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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS  
BEGUN AND HELD IN THE CITY OF FRANKFORT ON  
MONDAY, THE TWENTY-EIGHTH DAY OF NO-  
VEMBER, EIGHTEEN HUNDRED AND  
EIGHTY-ONE.

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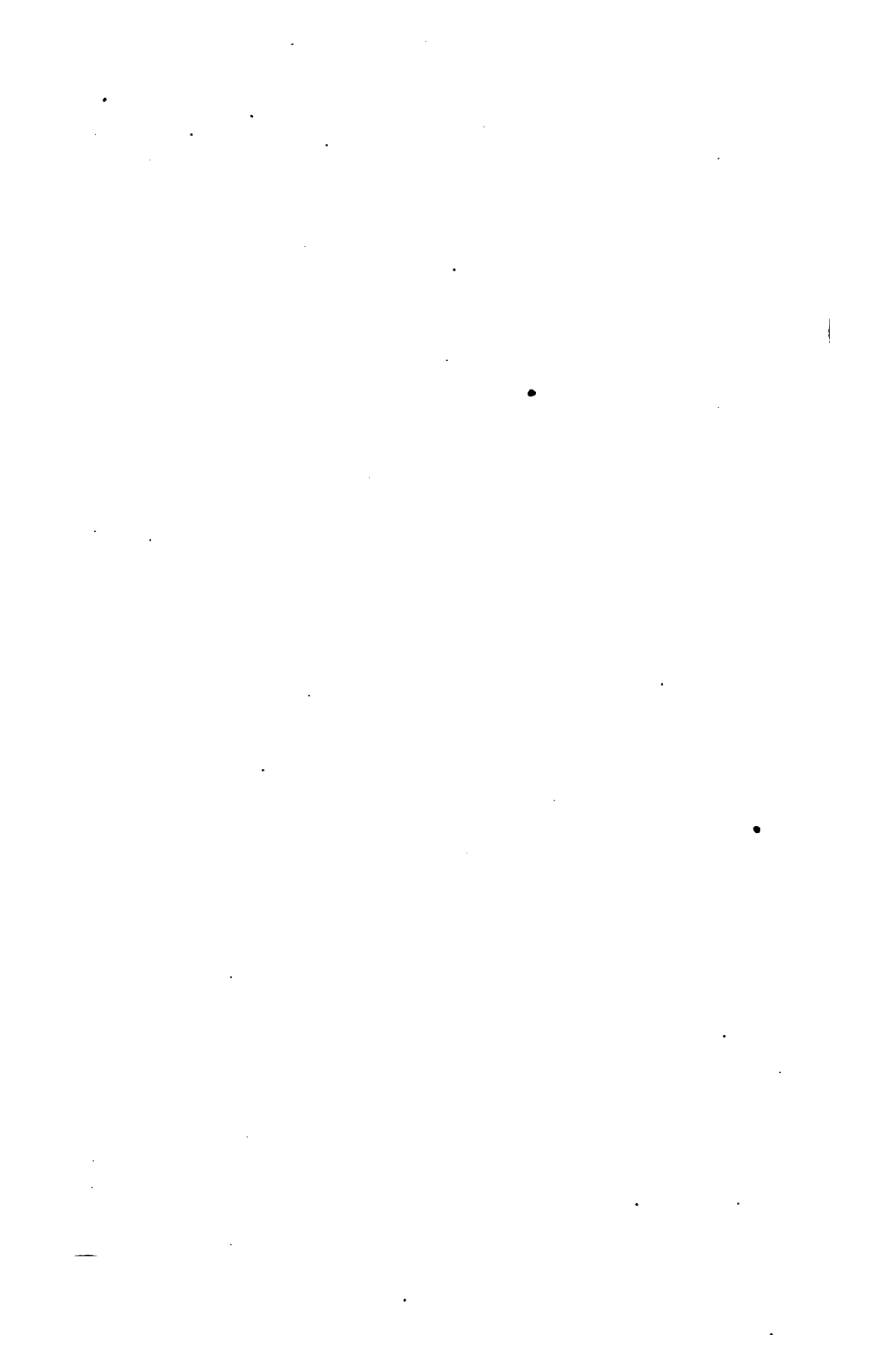
VOLUME I.

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PROPERTY OF THE STATE OF KENTUCKY.

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FRANKFORT, KY.:  
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PUBLIC ACTS

OF THE

STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL  
ASSEMBLY, WHICH WAS BEGUN AND HELD IN  
THE CITY OF FRANKFORT ON MONDAY,  
THE TWENTY-EIGHTH DAY OF NO-  
VEMBER, EIGHTEEN HUN-  
DRED AND EIGHTY-  
ONE.

LUKE P. BLACKBURN, *Governor.*  
JAS. E. CANTRILL, *Lieut. Gov'r and Speaker of Senate.*  
W. C. OWENS, *Speaker of the House of Representatives.*  
JAMES BLACKBURN, *Secretary of State.*  
P. W. HARDIN, *Attorney General.*

---

CHAPTER 1.

AN ACT to repeal game law of February 12, 1880, as to Madison county.

*Be it enacted by the General Assembly of the Commonwealth  
of Kentucky:*

§ 1. That the act, entitled "An act to protect game in the  
counties of Kenton, Campbell, Fayette, and Madison," ap-

## LAWS OF KENTUCKY.

Repealed as to proved February 12, 1880, so far as same act applies to Madison county, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

W. C. OWENS,

*Speaker of the House of Representatives.*

JAMES E. CANTRILL,

*Speaker of the Senate.*

Approved December 10, 1881.

LUKE P. BLACKBURN.

By the Governor:

JAMES BLACKBURN, *Secretary of State.*

## CHAPTER 3.

AN ACT fixing the weight of a bushel of bottom onion sets.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Onion sets—  
weight of bushel.

§ 1. That hereafter the commercial weight of a bushel of bottom onion sets in this State shall be thirty-six pounds.

§ 2. That all laws and usage in conflict with this act are hereby repealed.

§ 3. This act shall be in force from its passage.

Approved December 13, 1881.

## CHAPTER 11.

AN ACT to authorize the holding of a special term of the circuit court in Boyd county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boyd circuit  
court—special  
term.

§ 1. That a special term of the Boyd circuit court may be held, commencing upon Monday, the 9th day of January, 1882, and continuing for twelve juridical days, at which term a grand and petit juries may be empaneled, and all criminal business which could be legally done at a regular term of said court may be done therein.

§ 2. This act shall take effect from its passage.

Approved January 6, 1882.



CHAPTER 16.

AN ACT to fix the time of holding the circuits in the first judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the circuit courts in the counties composing the first judicial district shall begin at times and be held for the length of time hereinafter allotted, if the business of the court requires it.

Circuit courts of 1st district.

In McCracken county on the first Mondays in January and July, and continue eighteen days.

McCracken.

In Livingston county on the fourth Mondays in January and July, and continue eighteen days.

Livingston.

In the county of Fulton on the fourth Mondays in February and August, and continue twelve days.

Fulton.

In the county of Hickman on the third Mondays in March and September, and continue twelve days.

Hickman.

In the county of Ballard on the first Mondays in April and October, and continue twelve days.

Ballard.

In the county of Graves on the third Mondays in April and October, and continue thirty days.

Graves.

In the county of Calloway on the fourth Mondays in May and November, and continue twelve days.

Calloway.

In the county of Marshall on the second Mondays in June and December, and continue twelve days.

Marshall.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after the first day of August, 1882.

Approved January 6, 1882.

CHAPTER 17.

AN ACT to amend section 8, chapter 70, General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the word "six," in the third line of section 8, chapter 70, of the General Statutes, be, and the same is hereby, stricken out, and the word "twelve" inserted in lieu thereof, so that said line of said section shall read twelve months instead of six months.

Gen. Stat., chap. 70, sec. 8.

Approved January 6, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 19.

AN ACT to amend section 13, article 13, chapter 28, title "Courts," of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Gen. Stat., chap.  
28, sec. 13, art.  
13, amended.

§ 1. That section 13, article 13, chapter 28, title "Courts," of the General Statutes, be, and the same is hereby, amended by adding after the word "counties," in the third line of said section, as part thereof, these words, to-wit: "With good and sufficient surety to be approved by said clerk."

§ 2. This act shall take effect from and after its passage.

Approved January 6, 1882.

## CHAPTER 27.

AN ACT to amend section 1, article 1, chapter 43, title "Foreign Corporations," of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Gen. Stat., chap.  
43, sec. 1, art. 1,  
amended.

§ 1. That section 1, article 1, chapter 43, title "Foreign Corporations," of the General Statutes, be, and the same is hereby, amended by striking out the words, to-wit: "of some one of the counties," after the word "of," and before the word "through," in same section, and inserting in lieu thereof these words, to-wit: "each and every county."

§ 2. This act shall take effect from and after its passage.

Approved January 6, 1882.

## CHAPTER 28.

AN ACT to regulate the appellate jurisdiction of the Jefferson court of common pleas as to appeals from justices' courts of Jefferson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Jefferson court of  
common pleas—  
appellate juris-  
diction.

§ 1. That appeals shall lie to the Jefferson court of common pleas from all final orders and judgments of justices' courts of Jefferson county, when the amount in controversy, exclusive of interest and costs, is as much as ten dollars.

§ 2. The manner and time of taking appeals shall lie as provided in the Civil Code of Practice.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved January 7, 1882.

---

CHAPTER 29.

AN ACT to regulate changes of venue in justices' courts of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That justices of the peace of the city of Louisville granting changes of venue, as provided in section 1, article 3, chapter 12, and section 3, article 18, chapter 28, of the General Statutes, shall not grant such change of venue to any justice outside of the city of Louisville, unless by the written consent of the parties to the suit. Change of venue.

§ 2. Any justice of the peace violating the provisions of this act shall be guilty of a misdemeanor, and fined in a sum of not less than five nor more than twenty dollars. Misdemeanor.

§ 3. This act shall take effect from and after its passage.

Approved January 7, 1882.

---

CHAPTER 38.

AN ACT to exempt certain property of benevolent societies from levy by execution, attachment, distress for rent, or fee-bill.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The regalia, insignia of office, paraphernalia, journals of proceedings, account books, and the private work belonging to any benevolent society, shall be exempt from levy by execution, attachment, distress for rent, or fee-bill. Certain property exempt from execution.

§ 2. This act shall take effect from its passage.

Approved January 7, 1882.

## CHAPTER 40.

AN ACT to take the sense of the people of this Commonwealth as to the propriety of calling a convention to revise the Constitution, and to regulate the manner of taking the list of qualified voters.

WHEREAS, It is the sentiment of this General Assembly, and many good citizens of this Commonwealth, that experience has pointed out the necessity of calling a convention with the view of amending the Constitution of this State; therefore,

Constitutional  
convention.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Poll to be opened.

§ 1. That it shall be the duty of the sheriffs and other officers, at the next general election held for Representatives after the passage of this act, to open a poll for, and make a return to the Secretary of State for the time being of, the names of all citizens entitled to vote for Representatives who have voted for calling a convention.

Penalty for failure to perform  
duty.

§ 2. *Be it further enacted.* That any sheriff or other returning officer failing to perform the duty imposed by the first section of this act, shall be subject to a fine of six hundred dollars, to be recovered by indictment by any grand jury in any court having jurisdiction thereof; and also subject, upon conviction of such failure, to removal from office.

Secretary of  
State to have ad-  
vertised.

§ 3. *Be it further enacted.* That it shall be the duty of the Secretary of State to have this act advertised in the columns of one weekly newspaper in every county in this State, for two consecutive weeks immediately preceding the election, and in one of the daily newspapers in the city of Louisville, for thirty days immediately preceding the election: *Provided, however,* There is no weekly newspaper in any one or more counties of this Commonwealth in which said advertisement can be made, it is made his duty to have posted a printed copy of said bill, in handbill form, at the court-house door of such counties, for at least two consecutive weeks preceding said election.

Public Printer.

§ 4. *Be it further enacted.* That the Public Printer shall, upon a separate sheet, print ten thousand copies of this act, and deliver them to the Secretary of State, who shall send seventy-five copies of the same to the clerk of the county court of each county in the State at the time of forwarding the Acts of the General Assembly; and said clerk shall deliver the same to the sheriffs of their several counties.

§ 5. *Be it further enacted*, That it shall be the duty of the clerks or judges conducting the said general election to propound to each voter the following question: "Do you vote for calling a convention or not?" and if he answers in the affirmative, his name shall be recorded as having voted for calling a convention.

Duties of judges and clerks.

§ 6. *Be it further enacted*, That it shall be the duty of the assessors of tax to open a column in their assessor's book, and enroll therein the name of each citizen entitled to vote for Representative in the year 1883; but the assessors shall only enroll the names of those whom they know to be entitled, at the time, to vote for Representatives, such knowledge to be based—1. Either upon the personal knowledge of the assessor; 2. Or upon satisfactory information obtained by the assessor directly from the person whose name is enrolled; 3. Or upon satisfactory information under oath, from those who, of their own knowledge, testify to the facts which are necessary to such qualification; and for enrolling names without such knowledge or information, such assessor shall be deemed guilty of a misdemeanor, and fined twenty dollars for each and every name so improperly-enrolled, which fine shall be enforced in any court of competent jurisdiction, and be for the benefit of the common schools of the Commonwealth; and they shall be governed, in all cases, in ascertaining who is entitled to vote, by the laws then in force to prevent illegal voting; and this column, written in a fair and legible hand, shall be transmitted, with the assessor's books, to the Auditor, who shall make out a copy thereof, and deposit the same in the office of the Secretary of State for the time being, who shall transmit the same to the next Legislature as a list of those who are entitled to vote for Representatives, in order that the Legislature may have the means to ascertain whether a majority of the citizens of the State entitled to vote for Representatives have voted for a convention.

Duty of assessor.

§ 7. *Be it further enacted*, That it shall be the duty of each assessor of tax, who shall be in office in the year 1883, as soon as he shall be advised of the passage of this act, to go before a justice of the peace and take the following oath: "I do solemnly swear I will, to the best of my ability, fairly ascertain the number of qualified voters in the district in which I was elected for the year 1883, and report the same, with my

Oath of assessor.

book made as assessor of tax, before the first day of May, 1883."

To examine on  
oath.

§ 8. *Be it further enacted*, That the assessors of tax may, and they are hereby required to, examine, on oath, any person in relation to his right to vote for Representatives when he has doubt as to his right to vote; and any person who shall knowingly swear falsely before the assessor, and shall thereof be convicted, shall be subjected to all the pains and penalties of the crime of perjury.

§ 9. *Be it further enacted*, That the assessor shall write "sworn" opposite the name of each person sworn by him.

Public Printer.

§ 10. *Be it further enacted*. That it shall be the duty of the Public Printer to print five hundred copies of the seventh, eighth, and ninth sections of this act immediately after its passage, and deliver them to the Secretary of State for the time being, who shall transmit them forthwith to the county clerks, to be delivered by them, as soon as possible, to the assessors of tax for 1883.

§ 11. This act shall take effect from and after its passage.

Approved January 7, 1882.

## CHAPTER 41.

AN ACT to enable the Auditor to ascertain and report to this General Assembly the amount and value of property in the State now exempt from taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

To ascertain  
property exempt  
from taxation.

§ 1. That the assessors of the Commonwealth be, and they are hereby, directed and required to forthwith make out and file with the county court clerk of their respective counties a full and complete list of all property therein now exempt from taxation, either by general or special law; the nature thereof, and the reasonable value of the same; if real estate, the number of acres if land or the town and character and value of buildings thereon, and to what person, corporation, society, or denomination the same belongs. And for this purpose the Auditor shall prepare suitable blanks, and forward the same to the county court clerks of the various counties of the State, who are hereby required to deliver the same at once to the assessors of the county, who shall fill out and return the

same, within ten days after the receipt thereof, to the said county clerk.

§ 2. So soon as the assessor shall return his list to the office of the county court clerk, the clerk shall file the same, and make out and forward to the Auditor of State a copy thereof. Assessor.

§ 3. The assessors shall be allowed fifteen cents for each tract of land, town lot, or piece of property reported by him under this act, and the county court clerks shall be paid for the services rendered by him at the same rate as now provided by law for copying assessors' books. Allowance to.

§ 4. The Auditor shall, upon the receipt of the copies of the list aforesaid, make out a complete statement thereof, and report the same to this General Assembly. Auditor to report.

§ 5. This act shall take effect from its passage.

Approved January 10, 1882.

#### CHAPTER 43.

AN ACT to amend article 7 of chapter 28 of the General Statutes, title "Courts."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of article seven of chapter twenty-eight of the General Statutes be, and they are hereby, made applicable to the Jefferson court of common pleas, the vice chancellor's court, and the Louisville chancery court, respectively. Common pleas, vice chancellor, and chancery court.

§ 2. That this act shall take effect from its passage.

Approved January 13, 1882.

#### CHAPTER 47.

AN ACT to regulate the pay of grand and petit jurors in this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. A grand juror shall be paid one dollar and fifty cents for each day he may serve. Grand juror.

§ 2. A petit juror shall be paid two dollars for each day he is in attendance upon the court. Petit juror.

Additional allowance.

§ 3. In cases where, under existing laws, a petit jury is required to be, and is, kept together over night in the custody of a sheriff, each of said petit jurors shall, in addition to the compensation provided for in this act, receive one dollar for each night they are so kept together.

§ 4. The manner and mode of the aforesaid payments shall be in all respects as now provided by law.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 14, 1882.

## CHAPTER 55.

AN ACT to amend section 14 of article 2 of chapter 53 of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Chap. 53, art. 2,  
sec. 14, amended.

§ 1. That section 14 of chapter 53 of the General Statutes of the Commonwealth of Kentucky be, and the same is, amended so as to read as follows: Inquests under and according to this chapter shall, when a circuit court is in session in the county in which the inquest is held, be held only by such circuit court. When no circuit court is in session in the county, such inquest may be held by a judge of a circuit court or of a court of common pleas, or by a chancellor or vice chancellor, or by the presiding judge of the county court, or by the judge of a city or police court. The officer who presides at such inquest may make all orders for the care of the person found to be of unsound mind; but if it is found upon the inquest that the insane person has any estate, it shall be the duty of the officer presiding at such inquest to certify the facts concerning said estate to the chancery court if there be one in the county where the inquest is held, or if not, then to the circuit court, and it shall be the duty of the judge of said chancery or circuit court, as the case may be, to make all necessary orders for the appointment of a committee and the security of the estate and care of the person found of unsound mind; but the officer holding the inquest may order the person found insane to the lunatic asylum when it would be proper for a court to do so, and may appoint a temporary committee for that purpose, and take from him bond and

Idiots and lunatics.



surety payable to the Commonwealth for a faithful discharge of the duties of his station. Upon which bond, for a violation of its stipulations, any person aggrieved, or the committee thereafter appointed by the court, may sue in the name of the Commonwealth at their own costs.

§ 2. This act shall take effect from and after its passage.

Approved January 16, 1882.

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CHAPTER 56.

AN ACT to amend sections 52 and 53 of the Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That if any of the parties upon whom summons is directed to be served by section 52 of the Civil Code is a plaintiff, then it shall be served on the person who stands first in the order named in said section, and who is not a plaintiff; and if all such persons are plaintiffs, it shall, on the affidavit of one or more of them showing that fact, be the duty of the clerk of the court to appoint a guardian *ad litem* for the infant, and the summons shall be served on such guardian.

Civil Code, secs.  
52 & 53, amended.

§ 2. That section 53 of the Civil Code of Practice be amended by adding at the end of said section the following, to-wit: Service of a summons, by delivering a copy of it to the physician having charge of a person of unsound mind, shall have the same effect as a service on the person of unsound mind, if such physician gives a certificate, attested by the officer delivering him the copy, that a personal service would, in his opinion, be injurious to such person of unsound mind.

§ 3. This act shall take effect from its passage.

Approved January 16, 1882.

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CHAPTER 65.

AN ACT requiring surveyors to append to survey date of survey and variation of needle from true meridian.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be the duty of each county surveyor of each of the counties of this Commonwealth to append to the

Surveyors.

field notes of every survey hereafter made by him the date of such survey, and the variations of the needle from the true meridian, at the time of making such survey.

§ 2. This act shall take effect and be in force from and after January 1st, 1883.

Approved January 19, 1882.

## CHAPTER 68.

AN ACT to regulate the time of holding the circuit courts in the fifteenth judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Circuit courts in  
15th judicial dis-  
trict.

§ 1. That the time of holding the circuit courts in the fifteenth judicial district shall be as follows:

Knox.

Commencing in the county of Knox on the first Monday in March and second Monday in August, and continue twelve juridical days at each term.

Clay.

In the county of Clay on the third Monday in March and fourth Monday in August, and continue twelve juridical days at each term, except when there are five Mondays in March or August, in which event said court will continue eighteen juridical days at each term of the court, if the business of the court requires.

Owsley.

In the county of Owsley on the first Monday in April and second Monday in September, and continue six juridical days at each term.

Jackson.

In the county of Jackson on the second Monday in April and third Monday in September, and continue six juridical days at each term.

Laurel.

In the county of Laurel on the third Monday in April and fourth Monday in September, and continue twelve juridical days at each term.

Whitley.

In the county of Whitley on the first Monday in May and second Monday in October, and continue twelve juridical days at each term.

Bell.

In the county of Bell on the third Monday in May and the fourth Monday in October, and continue twelve juridical days at the spring term, and six juridical days at the fall term.

Harlan.

In the county of Harlan on the first Monday in June and first Monday in November, and continue six juridical days at

the spring term, and twelve juridical days at the fall term of said court.

In the county of Letcher on the second Monday in June Letcher. and third Monday in November, and continue six juridical days at each term.

In the county of Perry on the third Monday in June and Perry. fourth Monday in November, and continue six juridical days each term.

In the county of Leslie on the fourth Monday in June and Leslie. first Monday in December, and continue six juridical days each term, or twelve juridical days each term, if the business of the court requires.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act to take effect from its passage.

Approved January 19, 1882.

### CHAPTER 83.

AN ACT to amend section 4, article 3, chapter 92, of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 4, article 3, chapter 92, of the General Statutes, be amended so as to read as follows: "Before selling playing cards in this State the owner, his agent, or the vendor thereof, shall obtain from the county clerk in which he proposes to sell a license to authorize him to sell playing cards. Said license shall be \$5 for license for twelve months, and shall Gen. Stat., chap. 92, art. 3, sec. 4. be collected by the respective county court clerks, and shall be placed to the credit of the common school fund. Any person violating the provisions of this act shall be liable to an indictment by the grand jury of the county where the playing cards are sold without license, and shall, on conviction therefor, be fined not less than twenty-five nor more than one hundred dollars, which shall go to the common school fund, except that part which is allowed to the attorney for the Commonwealth. License.

§ 2. The several circuit judges shall give this act in charge to the grand juries of their respective courts at each term thereof. Circuit judges to charge, &c.

§ 3. This act shall take effect from and after September 1st, 1882.

Approved January 24, 1882.

## CHAPTER 84.

AN ACT to regulate the terms and times for the holding of the circuit courts in the thirteenth judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Thirteenth judicial district.

§ 1. That the terms and times for the holding the circuit courts in the thirteenth judicial district shall be as follows :

Bath.

Bath, first Mondays in March and September, and continue twelve juridical days each term, if the business of the court requires it.

Menifee.

Menifee, third Mondays in March and September, and continue six juridical days each term, if the business requires it.

Powell.

Powell, fourth Mondays in March and September, and continue six juridical days each term, if the business requires it.

Estill.

Estill, on Monday succeeding the Powell circuit court, and continue six juridical days each term, if the business requires it.

Lee.

Lee, on Monday succeeding the Estill circuit court, and continue six juridical days, if the business of the court requires it.

Breathitt.

Breathitt, on Monday succeeding the Lee circuit court, and continue twelve juridical days, if the business of the court requires it.

Wolfe.

Wolfe, on Monday succeeding the Breathitt circuit court, and continue six juridical days each term, if the business of the court requires it.

Morgan.

Morgan, on Monday succeeding the Wolfe circuit court, and continue six juridical days each term, if the business of the court requires it.

Elliott.

Elliott, on Monday succeeding the Morgan circuit court, and continue six juridical days each term, if the business of the court requires it.

Montgomery.

Montgomery, on Tuesday succeeding the Elliott circuit court, and continue eighteen juridical days each term, if the business of the court requires it.

§ 2. This act shall take effect from its passage.

Approved January 24, 1882.

CHAPTER 86.

AN ACT to amend chapter 62 of the General Statutes, by striking out the word "white" in articles 1 and 3, prescribing qualifications of grand and petit jurors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section (1) one of article (1) one, chapter (62) sixty-two, be amended by striking out the word "white," in the second line of said section. Gen. Stat., chap. 62, arts. 1 and 3, amended.

§ 2. Section (2) two of article (3) three of said chapter is amended by striking out the word "white," in the third line of said section. Juries.

§ 3. This act shall take effect from and after its passage.

Approved January 26, 1882.

CHAPTER 87.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of the State," approved March 20, 1876, and all acts amendatory thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of the State," approved March 20, 1876, and the acts amendatory thereof, be amended as follows: That all pauper idiots, epileptics, and harmless incurable lunatics that have been or may hereafter be returned by the asylums in which they may have been or may be confined, to the several counties, shall be delivered into the custody of their friends, if any; if not, then to the county judge thereof, if they be residents of and sent from the county of Jefferson outside of the city of Louisville, and to the mayor of the city of Louisville, if they be residents and sent from said city, who shall make suitable provision for their keeping out of the annual seventy-five dollars appropriation now allowed such persons by law. Lunatic asylums.

§ 2. This act shall only apply to Jefferson county and the city of Louisville.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1882.

## CHAPTER 97.

AN ACT to change the corporate name of the Asylum for the Deaf and Dumb, at Danville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. The corporate name of the Asylum for the Tuition of the Deaf and Dumb is hereby changed to the Kentucky Institute for Deaf Mutes.

Asylum for deaf and dumb—corporate name.

Approved January 27, 1882.

## CHAPTER 101.

AN ACT to authorize the Louisville chancery court to appoint the Louisville and Nashville Railroad Company receiver of a certain trust fund.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be lawful for the Louisville chancery court to appoint the Louisville and Nashville Railroad Company special receiver of the sinking fund provided for in the mortgage executed by the Louisville and Frankfort and the Lexington and Frankfort Railroad Companies to Norvin Green, trustee, dated the first day of January, 1867; and upon such appointment, and the execution by said company of such bond as said court shall require, with such surety or sureties as said court shall approve, it shall be lawful for said company to manage said fund under the supervision and direction of said court.

Louisville chancery court.

§ 2. This act shall take effect from its passage.

Approved January 28, 1882.

## CHAPTER 112.

AN ACT to establish a regular equity term of the Hardin circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That in addition to the terms of the Hardin circuit court now prescribed by law, there is hereby established a regular equity term of said court, which shall be held at the court-house in said county on the second Monday of Febru-

Hardin circuit court.

ary in each year, and continue for twelve juridical days, and longer in the discretion of the judge of said court, but not so as to interfere with any other term in his judicial district.

§ 2. No process or warning order shall be issued to said equity term hereby established.

§ 3. No step shall be taken at said term except in equity actions and proceedings, and in such cases preparatory steps, interlocutory orders, and final orders and judgments may be made.

§ 4. The holding of said term shall not interfere with the regular term of the Hardin county court on the third Monday in February of each year.

Approved February 1, 1882.

#### CHAPTER 138.

AN ACT to amend section 55 of the Criminal Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 55 of the Criminal Code of Practice be amended to read as follows, viz: "During the periods of adjournment the defendant may give bail when the offense with which he is charged is a bailable one. The court may, in bailable cases, fix a sum equivalent to bail, and if the defendant, or any one for him, deposit money to the amount named with the magistrate in attendance, unless he be a policeman, as security for the defendant's appearance at the time or times appointed, he shall be released from custody during the periods of the adjournment of the examination; but if the defendant fail to give bail, or to deposit money as indicated herein, or if the offense is not a bailable one, he shall, during such adjournment, be confined in the county jail: *Provided*, That said defendant may be committed to the custody of an officer if he will pay the expense of being guarded."

Crim. Code, sec.  
55, amended.

Approved February 6, 1882.

#### CHAPTER 140.

AN ACT to amend an act, entitled "An act to regulate the appellate jurisdiction of the courts of this Commonwealth," approved May 5th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section three of an act, entitled "An act to regulate the appellate jurisdiction of the courts of this Commonwealth," approved May 5th, 1880, be amended to read as follows, viz: "An act to regulate the appellate jurisdiction of the courts of this Commonwealth," approved May 5th, 1880.

Appellate jurisdiction of courts.

late the appellate jurisdiction of the courts of this Commonwealth," approved May 5th, 1880, be, and the same is, amended as follows: by inserting after the words "revoking or refusing letters testamentary or administration," in said section, the following: "or appointing or refusing to appoint curators of estates."

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1882.

## CHAPTER 159.

AN ACT to amend chapter 27, article 3, section 10, of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Gen. Stat., chap. 27, art. 3, sec. 10, amended.

§ 1. That chapter twenty-seven, article three, and section ten, be, and the same is hereby, amended as follows: That after the words "county attorney," and before the word "or," the words "sheriff or deputy sheriff, circuit clerk or deputy, and county clerk or deputy," be, and the same are hereby, inserted in said section.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1882.

## CHAPTER 160.

AN ACT to change the December term of the Casey circuit court.

Casey circuit court.

WHEREAS, The December term of the Casey circuit court now commences on Thursday after the second Monday in December—

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Term of.

§ 1. That the December term of said court shall commence on the third Monday of December hereafter, and continue twelve juridical days, if the business of said court require it.

§ 2. This act to take effect from and after its passage.

Approved February 11, 1882.



CHAPTER 165.

AN ACT allowing and fixing the time of holding two additional regular terms of the county court for Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That in addition to the regular terms of the county court as now fixed and held by law, in the county of Trigg, there shall also be allowed and held for said county, commencing on the second Monday in each of the two months in which the circuit court for said county is held, a regular term of the county court for Trigg county, for the transaction of any and all business coming before said court, and may continue in session so long as the business requires.

Trigg county court—terms of.

§ 2. That all acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 11, 1882.

CHAPTER 166.

AN ACT to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 1 of chapter 1384, Acts of 1879, approved May 4th, 1880, be amended by striking out the word "ten," which is the last word of the eleventh line of said section, and inserting in lieu thereof the word "sixty."

Property found adrift.

§ 2. This act to be in force from its passage.

Approved February 11, 1882.

CHAPTER 189.

AN ACT to re-enact an act, entitled "An act regulating defenses in actions of trespass in Carroll and Trimble counties," approved March 28, 1872.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act regulating defenses in actions of trespass in Carroll and Trimble counties," approved March 28, 1872, and repealed March 29, 1880, be, and the

Trimble and Carroll counties.

same is hereby, re-enacted and declared to be in full force and effect in Trimble county.

§ 2. That all acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 11, 1882.

#### CHAPTER 204.

AN ACT to change the time of the meeting of the General Assembly.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

General Assembly—time of holding.

§ 1. That the stated biennial meeting of the General Assembly shall, after the present session, commence on the 30th day of December in each year, except when the 30th day of December falls upon Sunday the session shall commence on the next following day.

Approved February 18, 1882.

#### CHAPTER 207.

AN ACT declaring Natt's creek, in Lawrence county, navigable.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Natt's creek navigable.

§ 1. That Natt's creek, in Lawrence county, be, and the same is hereby, declared a navigable stream, to the same extent and for such purposes as other navigable streams of this Commonwealth.

§ 2. This act to take effect from and after its passage.

Approved February 18, 1882.

#### CHAPTER 210.

AN ACT to regulate the transfer of cases between the vice chancellor's court and the Jefferson court of common pleas.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. If actions which should be heard together or consolidated, be pending in Jefferson court of common pleas and in

the vice chancellor's court, the judge of either of said courts may order the transfer and removal of the action or actions pending in his court to the court in which the other action is pending; and the court to which the transfer is made shall have jurisdiction to try the actions so transferred.

Vice chancellor's court and Jefferson court of common pleas.

§ 2. This act shall apply only to Jefferson county, and take effect from its passage.

Approved February 18, 1882.

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CHAPTER 211.

AN ACT to change the time of holding the county and quarterly courts of Greenup county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter the county court of Greenup county shall commence on the first Monday in each month, and continue in session so long as the business of the court may require.

Greenup county and quarterly court.

§ 2. That hereafter the quarterly court of Greenup county shall commence on the third Mondays in February, May, August, and November, and continue in session from day to day so long as the business of the court may require.

§ 3. That all laws in conflict with the provisions of this act is hereby repealed.

That this act shall take effect and be in force from its passage.

Approved February 18, 1882.

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CHAPTER 212.

AN ACT to change the time of holding the Grayson circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the time for holding the Grayson circuit court in the sixth judicial district be changed as follows, to-wit : Said terms shall commence on the third Mondays in August and February of each year, instead of the time now fixed by law, and shall continue eighteen juridical days each term.

Grayson circuit court.

§ 2. This act shall take effect from and after its passage; and all orders, processes, writs, warrants, or other process

made returnable to the June term, 1882, of said court, are hereby made returnable to the August term, 1882, thereof.

Approved February 18, 1882.

#### CHAPTER 216.

AN ACT to regulate the taking up of property found adrift upon the Big Sandy River.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Property afloat  
on Big Sandy.

Lien.

§ 1. That hereafter the taker-up of boats, rafts, platforms, and loose logs found afloat on the Big Sandy river shall be entitled to charge and collect the following prices, to-wit: For each raft of not less than forty logs, five dollars; for each platform of not less than ten logs, one dollar; for each loose log, twenty-five cents, for each freight-boat or other heavy boat, one dollar; for each jack-boat, skiff, or canoe, twenty-five cents. The taker-up shall have a lien upon the property taken up by him for his charges thereon, and may, after having advertised the time and place of sale at the courthouse door and two other public places in the county where the property is, by written or printed notice for at least ten days, giving the description of the property, and any marks thereon, cause the same to be sold by a constable or other officer for cash in hand to pay said charges, and also a reasonable compensation for keeping and caring for said property taken up by him not exceeding the following rates: For each raft, fifty cents per day; for each platform, twenty-five cents per day; for each loose logs, five cents per day, and the title to the property so sold shall vest absolutely in the purchaser at said sale.

Duty of constable.

§ 2. It shall be the duty of the constable or other officer making said sale to pay to the taker-up his legal fees and charges, after deducting his own commission, which shall be the same as though he had sold the said property under execution, and if there should be an excess of sale money over and above said charges and fees, he shall pay said residue to the clerk of the county court of the county in which the sale is made and take his receipt therefor; and for failure to perform his duties under this act the constable or other officer shall be liable on his official bond to the party aggrieved. If

the owner do, within one year from the date of the sale, appear before the county judge of the county where the money is deposited with the clerk and establish his right to the satisfaction of the said court to the money, it shall, upon the order of the county judge, be paid over to said owner by the clerk aforesaid; otherwise it shall be paid into the common school fund of this Commonwealth.

§ 3. If any taker-up of any property, as described in this act, shall secrete the same, or allow said property so taken up by him to get aground, so that he cannot, immediately upon the demand of the owner thereof or of his agent, put the same afloat, or if he shall fail to so put the same afloat upon demand as aforesaid, he shall not be allowed to collect or receive any compensation for the taking up or caring for the same, and shall, in addition thereto, be responsible to said owner for the value of such property as if it were afloat.

Penalty for secreting, &c.

§ 4. If any taker-up of such property as described herein shall cancel, change, obliterate, or make any new mark on the thing taken up by him, or shall remove the same, or permit it to be removed, from the main river upon which it was taken, with a view to prevent the owner thereof or his agent from finding the same, or shall willfully and knowingly permit the same to get aground in such place that it cannot be put afloat upon the demand of the owner thereof or his agent, he shall, for each offense, be deemed guilty of a misdemeanor, and fined not less than twenty-five nor more than two hundred dollars, recoverable by indictment before the grand jury.

Penalty for cancelling, &c.

§ 5. The taker-up of property as hereinbefore mentioned shall not be authorized to advertise the same for sale as hereinbefore provided until after the lapse of ten days from the day upon which the same was taken up by him. A violation of this section shall render any sale made in violation thereof void, and work a forfeiture of the fees and charges of the taker-up, and of the fees of the officer making the sale.

Advertise, when, &c.

§ 6. All acts and parts of acts in conflict with this act are hereby repealed.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 18, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 220.

AN ACT prescribing the mode of collecting the revenue and county taxes of Carter county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to amend the revenue laws of this Commonwealth," approved February 7, 1865, be, and the same is hereby, re-enacted.

§ 2. The provisions of the said act hereby re-enacted shall only apply to the county of Carter.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved February 18, 1882.

## CHAPTER 234.

AN ACT to change the times of holding the Hart quarterly courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That after the first day of February, 1882, the Hart county quarterly courts shall be held beginning on the third Mondays in the months of February, May, August, and November of each year, and continue so long as the business of the courts may require.

§ 2. This act shall take effect from its passage.

Approved February 18, 1882.

## CHAPTER 242.

AN ACT to change the time for holding the court of claims in Fayette county, and to define the jurisdiction of call meetings of said court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the court of claims for Fayette county shall hold their regular annual meetings on the second Monday in July in each year, and may make their adjournments from time to time to such days as they may designate till their business is completed.

§ 2. That whenever the justices of the county of Fayette shall be summoned by the county judge to meet for business,

the said court so summoned may do any business what might be legally done at a regular court of claims.

§ 3. This act shall be in force and take effect from its passage.

Approved February 18, 1882.

## CHAPTER 258.

AN ACT concerning the fees of the clerk of the Jefferson county court, the clerk of the Jefferson circuit court, the clerk of the Jefferson court of common pleas, and the clerk of the Louisville chancery court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the clerk of the Jefferson county court, the clerk of the Jefferson circuit court, the clerk of the Jefferson court of common pleas, and the clerk of the Louisville chancery court, be, and they are hereby, allowed the same fees in civil cases for their official services that are now allowed by law to other similar clerks in the Commonwealth of Kentucky.

Clerks of Jefferson county, circuit, common pleas, and chancery courts—fees of.

§ 2. That all acts and parts of acts in conflict herewith be, and they are hereby, repealed.

§ 3. That this act shall take effect from and after its passage.

Approved February 23, 1882.

## CHAPTER 260.

AN ACT to change and fix the time and terms for holding circuit courts in the third judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the circuit courts in the third judicial district shall be held for the time and length of time as follows, to-wit:

Third judicial district.

Henderson county, first Monday in January and fourth Monday in May, and continue each term for thirty-six juridical days; and fourth Monday in October, and continue twenty-four juridical days, if the business of the court shall require it.

Henderson.

Webster. Webster county, on third Monday in February and fourth Monday in August, and continue eighteen juridical days, if the business shall require.

Union. Union, second Monday in March and third Monday in September, and continue thirty juridical days, if the business shall require it.

Crittenden. Crittenden, on first Monday in May and fourth Monday in November, and continue eighteen juridical days, if the business shall require it.

Henderson—business of regulated. § 2. That in Henderson county, at the January and May term of said court, a grand jury shall be empaneled as heretofore by law, and a petit jury shall be empaneled to try such cases as may require the intervention of a jury as by existing laws, and the October term shall be devoted exclusively to rendition of judgments by default, when there is no defense, both in law and equity, and taking orders in civil cases; and where there is defense, to make up issues and set common law issues to days at the next term, and to try chancery cases as by the laws now in force.

Criminal and penal. § 3. Hereafter the clerk of the Henderson circuit court is empowered and directed, in docketing criminal and penal cases in said court, to set them for trial in the first two weeks of the term, and no such case shall be set for trial during the third week of the term; but some of such cases, if necessary, may be set for the fourth week of the term.

Ordinary actions § 4. In docketing the ordinary actions in said court, the clerk shall place them all for the second day of the term, on which day said cases shall be called and judgments rendered, when no defense is made, unless time be given until the fifth day of the term to make defense.

Cases—how set. § 5. When said ordinary docket shall have been once called as herein provided, it shall be the duty of the court, on the fifth day of the term, to call the cases left open, and either render judgment, if no defense be made, or to set such cases for trial on or after the thirteenth day of the term as he may deem advisable. On the second day the court, for good cause shown, may give time for the completion of the pleadings.

When jury trial. § 6 In setting cases for trial as provided in this act, the court shall ascertain whether a jury trial will be demanded, and unless a jury trial shall then be demanded by one of the parties, and notice of record, the right to a jury trial shall be



deemed waived ; and in setting oases the court shall, as far as practicable, place the jury cases together consecutively.

§ 7. By the thirteenth day of each term the clerk shall make a docket of the cases as set by the court. One such docket shall be placed at an acceptable place in the court-room for the inspection of the public, and one shall be provided by the clerk for the use of the court. Clerk—duty of.

§ 8. The cases shall be called for trial in the order set, as herein provided, and may be postponed to another day in the term, or continued to the next term, as by existing law. Cases called.

§ 9. Witnesses in ordinary actions shall be summoned for the thirteenth day of the term. Witnesses.

§ 10. All laws in conflict with this act are repealed, and this act shall take effect and be in force on the first day of March, 1882.

Approved February 23, 1882.

## CHAPTER 262.

AN ACT to amend section 710, Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 710 of the Civil Code of Practice be amended by striking out and repealing the following part thereof, viz : " Unless the defendant or defendants all reside in one district, and there be an acting justice of the peace and an acting constable in such district." Civil Code, sec. 710, amended.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1882.

## CHAPTER 263.

AN ACT to amend section 501 of title 11 of the Civil Code, entitled " Revivor of Actions."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 501 of title 11 of the Civil Code, entitled " Revivor of Actions," be, and the same is hereby, amended by adding to said section the following, to-wit : " Or the party seeking a revivor may file in the action an amended plead- Civil Code, sec. 501, amended.

ing, stating facts necessary to authorize the same, with a prayer therefor, upon which summons may be issued and served with same effect as issued upon original petitions."

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1882.

## CHAPTER 299.

AN ACT to authorize the counties of Fayette and Woodford, and also the counties of Fayette and Jessamine, to run, establish, and mark the boundary lines between said counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Fayette, Woodford, and Jessamine counties—boundary lines of.

§ 1. That for the purpose of enabling Fayette county to ascertain and establish the true boundary lines between said county and the counties of Woodford and Jessamine, each of the counties herein mentioned shall, by their county judge, appoint two persons as commissioners for the purpose of running, establishing, and marking the boundary lines between the respective counties.

Commissioners.

§ 2. That the commissioners thus appointed by each county, being first duly sworn that they will fairly discharge the duty confided to them, shall employ a competent engineer and corps of assistants.

Duty of engineer.

§ 3. That the said engineer, when so selected, shall proceed, under the direction of the commissioners, to run and ascertain, as nearly as practicable, the true boundary line between the counties; and when thus ascertained, to the satisfaction of the commissioners, it shall be established and marked, by durable marks, at all public roads and other important places; and when thus run and marked, it shall be the permanent boundary line between the respective counties.

Expenses—how paid.

§ 4. That the court of claims of each county shall make proper provision for paying the expenses of the work; each of them shall pay their own commissioners and county clerk for the work he may do, and one half of all other expenses incident to the completion of the work hereby authorized.

Umpire.

§ 5. That the engineer in charge of the work shall, in case of disagreement of the commissioners, act as umpire, and his decision shall be final.

§ 6. That the report of the commissioners, and also that of the engineer, shall be recorded in the clerk's office of each of the respective counties. Report, &c.

§ 7. That the commissioners shall have the power of fixing the wages to be paid to all their employees. Wages.

§ 8. That the commissioners appointed under this act shall have power and authority to summon witnesses, compel their attendance, and punish for contempt by fine or imprisonment to the extent justices of the peace may do. Witnesses.

§ 9. That this act shall be in effect from its passage.

Approved February 27, 1882.

### CHAPTER 308.

AN ACT to punish railroad corporations for appropriating to their own use personal property of which they have possession as carriers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That if a railroad corporation shall appropriate to its own use personal property of which it has possession as a carrier, it shall be guilty of a misdemeanor, and, upon conviction, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars. Railroad corporations.

§ 2. The circuit court of the county to which the property is consigned, or in which the property may have been appropriated, shall have jurisdiction of the offense.

Approved February 27, 1882.

### CHAPTER 319.

AN ACT to authorize the chairmen of committees of the Senate and House of Representatives to administer oaths to witnesses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the chairmen of the committees of the Senate and House of Representatives be, and they are hereby, authorized to administer all necessary oaths to any person who may appear, or be called by summons or otherwise, to testify before any committee of either House of the General Assembly, whether the same be in joint or separate session. Chairmen of committees to administer oaths.

§ 2. This act shall take effect from its passage.

Approved February 27, 1882.

## CHAPTER 324.

AN ACT to repeal sections 5, 6, and 11 of an act, entitled "An act to regulate criminal and civil procedure in the tenth judicial district," approved May 3, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Tenth judicial district. § 1. That sections 5, 6, and 11 of an act, entitled "An act to regulate criminal and civil procedure in the tenth judicial district," approved May 3, 1880, be, and the same are hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1882.

## CHAPTER 336.

AN ACT to regulate voting at primary elections and prevent fraud therein for the benefit of the counties of Nicholas, Robertson, Greenup, Boone, and Lewis.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Primary elections in certain counties to prevent fraud. § 1. That all elections hereafter to be holden by any voluntary political association or party in this State for any delegate or managing committee, or for the nomination of candidates for public office, may be called or ordered by published notice, upon the vote of a majority of the county, city, district or controlling committee of such voluntary political association or party of the county, city, or district which may elect to accept the provisions of this act, which shall state the purpose, time, manner, condition, together with the place or places of holding such elections; also the authority by which the call or notice is published; and the persons shall be named who shall act as judges and clerk at each poll of said election, and the said persons shall be a legal voters of the precinct, ward, or election district for which he is named. Said notice shall likewise declare the qualifications of the persons to vote at such elections: *Provided*, That such prescribed qualifications shall not be inconsistent with the provisions of this act.

Who qualified. § 2. That it shall be unlawful for any one to vote at a primary election who would not at the time of voting be a legal

voter under the Constitution and laws of the State, for the office for which the nomination is being made as if the regular election was being held on that day, and in addition thereto, he must possess the qualifications prescribed by the authority of those who called or ordered the primary election to be held in the call therefor; and any one violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, fined in a sum not less than twenty-five dollars nor exceeding one hundred dollars.

§ 3. A primary election, within the meaning of this act, is an election held under the order of the constituted authority of any political party in the State, at which a person is to be voted for as the nominee of said party for all offices to be filled by an election afterward to be held for said office, by the voters of the State, county, district, or ward. Defined.

§ 4. It shall be the duty of all persons who act as judges and clerks at said election to take an oath, before some officer authorized to administer oaths, that they will faithfully discharge their duties as such, and to see that an accurate poll of the vote cast is kept, and to refuse the votes of all persons not entitled to vote, and cast up and certify the poll-book, and send the same under seal by one of the officers of the election, to be selected by them, to the clerk of the county court, whose duty it shall be to keep the same on file for two years thereafter, or so long as any prosecutions may be pending in the courts wherein such is used as evidence; and said books, so made and kept, shall be evidence of the facts therein stated. Duties of judges, &c.

§ 5. Any officer of said election, or other person, who shall falsely certify to any fact in said poll-book, or who shall after ever change or deface said book, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars. Officers.

§ 6. Any officer of an election provided for in this act, or other person, who shall put the name of a voter on the poll-book of said election who was not present and cast his vote as provided for in this act, shall be deemed guilty of the crime of forgery, and shall, upon conviction, be punished in the same manner as is now provided by the law of the State for the crime of forgery. Penalty for, &c.

§ 7. That it shall be unlawful for any person to influence or to offer to influence the vote of any person at such an election, or any delegate at a convention, if such delegates be elected under the provisions of this act, by the use of money or property of any kind whatever; and any one so offending shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine not less than twenty five dollars nor more than one hundred dollars; and if the person so offending be a candidate for nomination at said election, he shall, on conviction, be disqualified from holding said office during the next ensuing term thereof, or the vacancy, if a candidate to fill a vacancy.

Misdemeanor to, &c.

§ 8. It shall be unlawful to bet or make a wager of money or of property or other thing on the result of an election, and any one so offending shall, on conviction, be punished in the mode now prescribed by law for betting on the results of a regular election.

Wager unlawful.

§ 9. It shall be the duty of the judges of the courts in which grand juries are empaneled, to specially charge them in regard to any violations of the provisions of this act.

Grand juries, &c.

§ 10. This act shall take effect from and after its passage, and no expense shall be incurred to the county or State in the conduct of elections under its provisions, and the same shall only apply to the counties of Nicholas and Robertson, Greenup, Boone, and Lewis.

Applies to Nicholas, &c.

Approved February 28, 1882.

## CHAPTER 344.

AN ACT to prohibit city, town, or corporate authorities from issuing licenses until evidence of the payment of the State license is produced.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. From and after the passage of this act it shall not be lawful for the authorities of any city, town, or corporation in this Commonwealth to grant to any person or persons a license to keep a tavern, coffee-house, saloon, or to give merchant's license to sell spirituous, vinous, or malt liquors, until such applicant shall produce a license from the county court of the county in which the application is made, and evidence of payment to the county clerk thereof, that he or they have

Coffee-house license.

paid to the clerk of such court the amount of license due to the State therefor.

§ 2. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved March 2, 1882.

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CHAPTER 346.

AN ACT to amend section 236, Criminal Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 236, Criminal Code of Practice, be, and the same is hereby, amended by inserting immediately after the word "officers," in the fifth line thereof, and before the word "to," in the same line, the following words: "and accompanied by the judge, prisoner, and counsel for each side."

Crim. Code, sec. 236, amended.

§ 2. This act shall take effect from its passage.

Approved March 2, 1882.

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CHAPTER 348.

AN ACT to regulate the practice in civil, criminal, and penal causes and proceedings in the Ohio circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trial of criminal and penal causes and proceedings in the Ohio circuit court shall not occupy more than one half of the whole number of juridical days fixed by law for any one term: *Provided, however,* That when one half the term be ended, if a trial be in progress, it shall be extended and concluded beyond said period: *And provided,* The case of no prisoner who is confined in jail shall be continued to another term by reason of this act: *And provided also,* That after the expiration of said period, but within the remainder of the term, motions for new trial may be made, heard, and determined, judgments rendered on verdicts in felony cases, and the court may settle and sign bills of exception and statements of evidence, grant appeals, and suspend judgment therefor.

Proceedings in Ohio circuit court regulated.

**Docket—how called.** § 2. There shall be a preliminary call of all causes on the common law docket, beginning on the first day of each term, and demurrers to petitions shall then be heard, and issues made up (if not already done), except as the court may extend the time therefor, which, in its discretion, it may do.

**Jury trial—when waived.** § 3. If neither party demand a jury trial on said preliminary call, both parties shall be deemed to have waived their right to do so for the term, and the action shall be tried by the court.

**Days fixed.** § 4. After said preliminary call shall have been completed, the court shall thereupon fix days during the term for the trial of all issues on said docket, and may so arrange the same that all issues triable by jury may be set together, and all issues triable by the court may likewise be set together.

**Duty of clerk.** § 5. It shall be the duty of the clerk of said court, after said docket shall have been so set as aforesaid, to cause a reasonable number of copies thereof to be printed, and for said service he shall be allowed an additional docket fee of ten cents in each case so set at each term, to be taxed to the plaintiff as part of his cost.

**Witnesses.** § 6. All subpoenas and attachments for witnesses issued in civil cases shall require witnesses to appear on the seventh day of the term, except that, where issued after the case is set for trial, the witness shall be required to attend on the day fixed for trial.

§ 7. No criminal or penal causes shall be set for trial on the first day of any term.

§ 8. All motions and special proceedings shall be placed on the common docket.

**Rules of practice.** § 9. The regular judge of said court may, from time to time, by orders entered upon the order-book, adopt rules of practice in said court not inconsistent with any law now in force, and such rules shall be in force until such time as said judge may revoke or modify the same.

§ 10. All laws inconsistent herewith are repealed, and this act shall be in effect from its passage.

Approved March 2, 1882.



CHAPTER 352.

AN ACT to regulate the fees of the Attorney General in the Court of Appeals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That in all cases in the Court of Appeals in which it is made the duty of the Attorney General to represent the State, he shall, for his services in each case, be paid out of the Treasury of the State the sum of twenty dollars: *Provided*, That in all cases in which an attorney's fee is now by law taxed against the unsuccessful party, the same shall be for the benefit of the Commonwealth, and paid into the Public Treasury.

Attorney General's fees in Court of Appeals.

§ 2. This act shall embrace all appeals now pending, and be in force from and after its passage.

Approved March 2, 1882.

CHAPTER 357.

AN ACT to increase the jurisdiction of justices of the peace in McCracken, Crittenden, Carroll, Lyon, Marshall, Simpson, Casey, Metcalfe, Monroe, and Hart counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter the courts of justices of the peace in the counties of McCracken, Crittenden, Carroll, Lyon, Marshall, Simpson, Casey, Metcalfe, Monroe, and Hart shall have jurisdiction concurrent with the common pleas and quarterly courts of McCracken county of all actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interest and costs, does not exceed two hundred dollars in value. The pleadings therein shall be oral, and without verification, yet before any summons shall issue, the plaintiff shall file with the justice the account or the written contract, or a short written statement of the facts on which the action is founded. In all sums exceeding fifty dollars a tax of fifty cents shall be paid by the plaintiff; and if the claim of the plaintiff is less than fifty dollars, and the set-off or counter-claim of the defendant is greater than fifty dollars, then a like sum of fifty cents shall be paid by the defendant to the justice, who shall report and account for-

Jurisdiction of justices of the peace in certain counties.

such sums so paid (by plaintiff or defendant, as the case may be) to the trustee of the jury fund, as in cases of fines collected by justices of the peace.

Appeals.

§ 2. Upon all judgments hereafter rendered in justices' courts, by virtue of the provisions of this act, where the amount in controversy is of the value of less than fifty, and as much as ten dollars or more, exclusive of interest and costs, appeals may be had by either party to the quarterly court of said county; and where the matter in controversy is of the value of fifty dollars or more, exclusive of interest and costs, appeals may be had by either party to the common pleas court of said county. The appeals and costs in all other respects shall be regulated as now provided by law.

§ 3. This act shall take effect and be in force from and after the first day of May next.

Approved March 6, 1883.

#### CHAPTER 360.

AN ACT to fix the salary of the judge of the Bowling Green city court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Bowling Green  
city court judge—  
salary of.

§ 1. That the salary of the judge of the Bowling Green city court shall be fixed by the council of the city of Bowling Green at any sum in their discretion, not to exceed one thousand dollars per annum.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1882.

#### CHAPTER 362.

AN ACT to change the time of holding the August term of the Hickman county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Hickman county  
court.

§ 1. That the August term of the Hickman county court be held on Tuesday after the first Monday in August hereafter.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 6, 1882.

## CHAPTER 364.

AN ACT to change the time for holding the court of claims in the county of Montgomery.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the court of claims for Montgomery county shall be held at the court-house, in the city of Mt. Sterling, on the first Tuesday after the third Monday in the month of September of each year; and so much of the law as requires said court to be held on the third Monday in November, is hereby repealed.

Court of claims  
of Montgomery  
county.

§ 2. This act shall take effect from its passage.

Approved March 6, 1882.

## CHAPTER 367.

AN ACT to define the county line between the counties of Morgan and Wolfe.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county line between the counties of Morgan and Wolfe be so defined as to run from a point on the southwest side of Arch Day's farm, on Little Blackwater, a straight line to the State road near Richard Bowling's house, so as to include the farm of James J. Cannoy in Morgan county.

Wolfe and Mor-  
gan county line.

§ 2. That this act shall take effect from and after its passage.

Approved March 6, 1882.

## CHAPTER 369.

AN ACT to fix the time of holding the county court of Barren county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the regular term of the county court of Barren county shall be held on the third Monday in each month: *Provided*, That there shall be no county court held in said county at any regular term when the circuit court for said county is in session.

Barren county  
court.

§ 2. That this act shall take effect from and after its passage.

Approved March 6, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 375.

AN ACT declaring McGrady's Runn creek, in Ohio and Grayson counties, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That McGrady's Runn creek, in the counties of Ohio and Grayson, be declared a navigable stream from its mouth, in Ohio county, to the North Fork of said creek, in Grayson county.

McGrady's Run  
creek.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1882.

## CHAPTER 383.

AN ACT for the benefit of owners of particular estates of freehold, in possession, and estate for years, in unimproved lots, in cities and towns in this Commonwealth:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That owners of particular estates of freehold, in possession, or in estate for years, in unimproved or unproductive lots, in cities and towns in this Commonwealth, in which another person or persons are the owners of the reversion or remainder, shall have the right, within ninety days after the interest or estate in such lot or lots shall cease, to remove any improvements they may erect thereon.

Estates of free-  
hold, &c.

§ 2. That this act shall take effect from its approval.

Approved March 6, 1882.

## CHAPTER 385.

AN ACT to regulate appeals to the circuit court in criminal cases in McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That if a judgment against a defendant, on a trial before any county judge, justice of the peace, city or police court, of McCracken county, be for imprisonment, or a fine

Appeal to Mc-  
Cracken circuit  
court.

of ten dollars or more, he shall have the right of appeal to the McCracken circuit court.

§ 2. This act shall take effect and be in force from its passage, and shall apply to all outstanding judgments unsatisfied.

Approved March 6, 1882.

## CHAPTER 392.

AN ACT appointing commissioners to redistrict Breckinridge county into magisterial districts, and to designate the places of voting in said county, and to repeal so much of section three of article two of chapter thirty-three of General Statutes, and acts amendatory thereof, as empowers or authorizes the county court of said county or the judge thereof to establish, alter, divide, increase, or decrease the magisterial districts and places of voting in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Nelson Jolly, William Watkins, William J. Dean, Robert A. Glasscock, George E. Chick, and Daniel S. Richardson, be, and they are hereby, appointed commissioners to lay off and redistrict the county of Breckinridge into six magisterial districts, and designate one or more voting places in each district. Commissioners.

§ 2. That each of said commissioners, before they enter on the discharge of the duties required of them by the first section of this act, shall take an oath to faithfully, fairly, and with due regard to the convenience of the citizens of Breckinridge county, and without partiality to any one, lay off said county into six magisterial districts, and such number of voting places as in their judgment shall be deemed actually necessary, not to exceed three in any one district. Oath of commissioners.

§ 3. That in the event of the failure or refusal, from any cause, of any of the above named commissioners to qualify under this act, those qualifying are empowered, and it is hereby made their duty, to appoint other commissioners to act in the place of those refusing or failing to qualify, and those so appointed, before acting, shall take the oath as required in section two of this act. When others to be appointed.

§ 4. That at the next regular election for justices of the peace there shall be elected, in each of said districts, two jus- Election.

tices of the peace, and at the next regular election for constable, after said districts are laid off, there shall be elected, in each of said districts, a constable; said justices of the peace and constable to serve as now provided by law.

**When to act.** § 5. That said commissioners, or those provided for in this act, shall, on or before the first day of April, 1882, proceed to lay off said districts as hereinbefore directed.

**Record of.** § 6. That said commissioners shall, as soon as they finish laying off said districts and designating said voting places, reduce the same to writing, and file it with the clerk of the Breckinridge county court, who shall record the same in full in the order-book of the Breckinridge county court.

**Allowance.** § 7. The court of claims of Breckinridge county shall make said commissioners a reasonable allowance for their services required of them by this act, to be paid out of the county levy.

**Chap. 33, art. 2,  
sec. 3, Gen. Stat.,  
repealed.** § 8. That so much of section three of article two of chapter thirty-three of the General Statutes, and the acts amendatory thereof, as empowers or authorizes the county court of said county, or the judge thereof, to establish, alter, divide, increase, or decrease magisterial districts, or the number thereof, in said county, or voting places, or the number thereof, is hereby repealed.

§ 7. This act shall only apply to the county of Breckinridge, and shall take effect and be in force from and after its passage.

Approved March 6, 1882.

## CHAPTER 395.

AN ACT for the benefit of the Institution for the Instruction of Deaf Mutes, at Danville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

**§29,916 appropriated.** § 1. That the sum of twenty-nine thousand nine hundred and sixteen dollars, or so much thereof as may be necessary, is hereby appropriated to the Kentucky Institution for the Instruction of Deaf Mutes, to be used by the Commissioners of said Asylum for the completion of projected buildings and such other improvements as are hereinafter described, estimates by the supervising architect having been made, show-

ing that there will be required for said work about the following sums, viz:

For inclosing boys' building, as per contracts							
already made,	-	-	-	-	-	-	\$4,791 00
For carpenter's work boys' building,	-	-	-	-	-	-	5,000 00
For plastering boys' building,	-	-	-	-	-	-	1,500 00
For iron-work boys' building,	-	-	-	-	-	-	1,500 00
For painting,	-	-	-	-	-	-	1,200 00
For plumbing,	-	-	-	-	-	-	800 00
For gas fixtures,	-	-	-	-	-	-	375 00
For steam heating all the buildings,	-	-	-	-	-	-	8,000 00
For engine and laundry attachments,	-	-	-	-	-	-	3,500 00
For furnishing new buildings,	-	-	-	-	-	-	2,000 00
For completing iron fence,	-	-	-	-	-	-	850 00
For four cisterns,	-	-	-	-	-	-	400 00

§ 2. The Commissioners, in making said improvements, shall advertise and let all the work by written contract, taking good and sufficient security, that the State may sustain no loss in case of the failure of contractors to complete the work hereinbefore referred to. Partial payments may be made upon the work as it progresses; but said payments shall not exceed eighty per cent. of the estimated value of the same until such time as it is completed and received by the Commissioners as being in accordance with the written contract.

§ 3. The annual appropriation for said Asylum being inadequate for keeping the premises in good repair, the buildings well insured, and the mechanical department up to a proper and useful standard of efficiency, the further sum of one thousand dollars per annum is hereby appropriated for these purposes, to be drawn quarterly by warrant of the President and Secretary of the Board of Commissioners of said Asylum, as has been provided by law in respect to its other appropriations. All children residing in this State attending said Institution shall be received and taught free of tuition, board, and use of books and other instruments and apparatus used in teaching.

§ 4. This act shall take effect from its passage.

Approved March 6, 1882.

## CHAPTER 417.

AN ACT to change time of holding circuit courts in Fleming and Rowan counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the time of holding circuit courts for the counties of Rowan and Fleming, in the fourteenth judicial district, be changed as follows:

The circuit court for the county of Fleming shall begin the third Mondays in May and November, and continue eighteen juridical days, if the business of the court requires it.

The circuit court for the county of Rowan shall begin on the Tuesday after the first Monday in February and August, and continue twelve juridical days, if the business of the court requires it.

§ 2. This act shall take effect from and after May 1st, 1882.

Approved March 10, 1882.

## CHAPTER 441.

AN ACT to amend an act, entitled "An act for the propagation of food-fishes in the waters of the State of Kentucky," and to furnish an adequate remedy for the enforcement of the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the circuit courts of the respective counties of this State shall have concurrent jurisdiction with justices of the peace of all violations of this act, within the jurisdiction of said counties, the proceedings in such cases to be by indictment in the name of the Commonwealth, and it shall be the duty of the judge of said courts to give this act specially in charge to each grand jury of said courts

§ 2. Where a river or water-course forms the boundary between two counties, the circuit court of either county shall have jurisdiction of offenses under this act committed in such river or water-course.

§ 3. Any and all acts or parts of acts, heretofore passed in conflict with this act are hereby repealed.

§ 4. This act shall be in force from and after its passage.

Approved March 17, 1882.



CHAPTER 454.

AN ACT to provide a security for manufacturers and vendors of railroad equipment and rolling stock in making conditional sales thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. In any written contract of or for the sale of railroad equipment or rolling stock, deliverable immediately or subsequently, at stipulated periods, by the terms of which the purchase-money, in whole or in part, is to be paid in the future, it may be agreed that the title to the property so sold, or contracted to be sold, shall not pass to or vest in the vendee until the purchase-money shall have been fully paid, or that the vendor shall have and retain a lien thereon for the unpaid purchase money, notwithstanding delivery thereof to the vendee: *Provided*, That the terms of credit for the payment of the purchase-money shall not exceed ten years from the execution of the contract: *And provided*, That such agreement shall not be valid as against subsequent purchasers for value without notice or against creditors, until such contract shall have been acknowledged or proved as deeds of trust and mortgages are required to be, and lodged for record as hereinafter required. Lien.

§ 2. In any written contract for the leasing or renting of such property, it shall be lawful to stipulate for a conditional sale thereof at the termination of such lease, and to stipulate that the rentals received may, as paid, or when paid in full, be applied and treated as purchase money, and that the title to such property shall not vest in such lessee or vendee, notwithstanding delivery to him, until the purchase money shall have been paid in full, subject, however, to the provisos contained in section one of this act. Conditional sale.

§ 3. The contracts herein authorized shall be recorded in the office of the Secretary of State of this Commonwealth, and also in the county clerk's office of the county in which the lessee or vendee may reside; or, if such lessee or vendee be a corporation, then in the clerk's office of the county in which is located its principal office or place of business. Contract to be recorded.

§ 4. On payment in full of the purchase money, and the performance of the terms and conditions stipulated in any contract authorized herein, a declaration in writing to that effect shall be made by the vendor; or, if he shall have as-

Release of  
record.

signed or transferred the notes or bonds for the purchase of money, it shall be made by such assignee only. Such declaration may be made by a writing on the margin of the record of the contract, attested by the clerk, or by the Secretary of State, as the case may be, or it may be made by a separate instrument, to be acknowledged and recorded as the original contract is required to be. For such services, the clerk or Secretary of State shall be entitled to charge the usual fees. The assignment of the purchase money, notes or bonds, may be noted of record, as permitted in "An act to regulate releases of liens," approved March 18, 1876.

Name of owner,  
&c.

§ 5. On each locomotive or car that may be sold or leased in accordance with the provisions of this act, the name of the vendor or lessor shall be distinctly marked, followed by the word "owner" or "lessor," as the case may be.

§ 6. This act shall take effect from its passage.

Approved March 17, 1882.

#### CHAPTER 481.

AN ACT to amend section 9, article 35, chapter 29, of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Gen. Stat., chap.  
29, art. 35, sec.  
9, amended.

§ 1. That section nine, article thirty-five, and chapter twenty-nine, of the General Statutes, be, and the same is hereby, amended by adding thereto the following: *Provided*, That any one selling, lending, or giving spirituous, vinous, or malt liquors, or any mixture of either, to a person over eighteen years of age, shall not be subjected to the pains and penalties prescribed by this section, if at the time he has reasonable grounds for believing, and in good faith does believe, such person to be twenty-one years of age.

Approved March 18, 1882.

#### CHAPTER 487.

AN ACT to repeal an act, entitled "An act to prescribe an oath to be taken by all officers elected or appointed," approved March 28th, 1876.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to prescribe an oath to

be taken by all officers elected or appointed," approved March 20th, 1876, be, and the same is hereby, repealed.

Act prescribing oath of officers repealed.

§ 2. This act to take effect from and after its passage.

Approved March 18, 1882.

CHAPTER 503.

AN ACT fixing the times of holding the quarterly courts in Warren county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the quarterly courts in and for the county of Warren shall be begun and held at the following times, and may continue at each term as long as the business of the court may require, to-wit: On the first Mondays in February, on the first Mondays in May, on the first Mondays in August, on the first Mondays in December.

Warren quarterly court.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect on the 15th day of July, 1882, but shall in nowise effect actions now pending in said court.

Approved March 21, 1882.

CHAPTER 510.

AN ACT to provide for the holding of two terms of the court of claims in and for Graves county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That two terms of the court of claims shall be held in and for Graves county, Kentucky, in each year, the first to begin on the first Monday in April in each year, and the second to begin on the first Monday in October in each year.

Graves court of claims.

§ 2. That said courts shall be held at the court-house, in the city of Mayfield, Kentucky, and that the justices of the peace in and for said county shall be, and they are hereby, required to attend at the court-house at such times, and be associated with the county judge of said county, and constitute the court; and that a majority of the justices of the peace in said county shall constitute a quorum for the transaction of business.

May adjourn  
from day to day,  
&c.

§ 3. That said court may transact such business as is now prescribed by law, and may adjourn from day to day, and that the justice in attendance shall have the allowance provided by law for their attendance, payable out of the county levy.

§ 4. This act to take effect from and after its passage.

Approved March 21, 1882.

## CHAPTER 512.

AN ACT to fix the time of holding county courts in Larue county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Larue county  
courts.

§ 1. That the county courts in Larue county shall hereafter be held on the fourth Monday in each month, except the months of September and March, in each of which two last named months said court shall be held on the third Monday thereof.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1882.

## CHAPTER 513.

AN ACT to change the time of holding the common pleas court in Hickman county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Hickman com-  
mon pleas court.

§ 1. So much of the 10th section of article 10 of the General Statutes, chapter 28, title "Courts," as provides that the terms of the court of common pleas for the county of Hickman "shall commence on the 3d Monday in June and December, and continue at each term twenty-four days, if the business of the court requires it," be repealed, and in lieu thereof that hereafter the common pleas court for Hickman county shall commence on the 4th Monday in May and November, and continue eighteen days, if the business of the court shall so require.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1882.

CHAPTER 516.

AN ACT to change the time for holding the November terms of the court of common pleas in Franklin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the November terms of the court of common pleas in Franklin county shall commence on the third Monday in November of each year, and continue twelve juridical days, if the business require it.

Franklin common pleas court.

Approved March 21, 1882.

CHAPTER 523.

AN ACT in relation to the county courts of Spencer county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The court of claims of Spencer county shall hereafter be held on the fourth Monday in April, instead of the first Monday in May in each year.

Spencer court of claims.

§ 2. The August term of the county court of said county shall be held on the second Monday in August in each year.

§ 3. This act shall take effect from and after its passage.

Approved March 21, 1882.

CHAPTER 526.

A BILL for the benefit of the American Printing House for the Blind.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of trustees of the American Printing House for the Blind be, and they are hereby, authorized and empowered to erect a suitable building for the purposes of said printing house on the grounds now occupied by the Kentucky Institution for the Education of the Blind, or to buy a suitable lot for the same purpose in the city of Louisville.

Printing house for the blind.

§ 2. Said trustees are further authorized to supply said building, when so erected, with the necessary furniture, fixtures, and machinery to carry on the business of printing for the blind.

Cost of.

§ 3. The cost of said building and the other expenses, as provided in the first and section sections of this act, shall be paid for out of the funds now in the hands of said board of trustees, and heretofore received from the Commonwealth of Kentucky, and not otherwise.

Title.

§ 4. The interest in and the title to said property, as provided in this act, shall be vested exclusively in the Commonwealth of Kentucky.

§ 5. This act shall take effect from its passage.

Approved March 22, 1882.

### CHAPTER 539.

AN ACT to amend an act, entitled "An act to establish a levy and county court for Jefferson county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Jefferson county  
levy and county  
court.

§ 1. That the salary of the county attorney shall be eighteen hundred dollars per annum, payable quarterly; and the salary of said county attorney shall be part of the joint expenses of said county and the city of Louisville, and paid as other joint expenses of said city and county are paid.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall apply only to the county of Jefferson and city of Louisville.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 22, 1882.

### CHAPTER 540.

AN ACT to amend chapter 15 of the General Statutes, title "Claims upon the Treasury."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Witness for Com-  
monwealth.

§ 1. That whenever any witness for the Commonwealth in any felony prosecution, pending in any circuit or criminal court of this State, is beyond the jurisdiction of the State, or is a non-resident, the courts in which said prosecution is pend-

ing, or the judge thereof in vacation, may make an order for the attendance of any such witness, if the statements of such witness are, to the opinion of the court or judge, material for the Commonwealth; and if the attendance of any such witness can be procured under such order, it shall be the duty of the court, if any such witness shall attend, to make to such witness an allowance sufficient to pay his actual traveling expenses, in going to and returning from such court, and one dollar per day for the time he shall be in attendance before the court as a witness; and when said order is made, showing the amount such witness is entitled to receive, the same shall be paid out of the Treasury as other claims for witnesses in felony cases are directed to be paid.

Allowance to.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1882.

#### CHAPTER 544.

AN ACT to amend section 9, article 12, chapter 38, of the General Statutes, entitled "Executions."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 9, article 12, chapter 38, of the General Statutes, entitled "Executions," be, and the same is hereby, amended by striking out of said section the following words, viz: "chapter 6, title 10," and inserting in lieu thereof the following words, viz: "chapter 5th of title 10," and by adding to said section the following words, viz: "The notice herein referred to shall be in substance as follows:

Gen. Stat., chap. 38, art. 12, sec. 9, amended.

A B to C D. } Notice.

You are hereby notified that I will, on the — day of —, 188—, enter a motion on the docket of the — circuit court for a judgment for the possession of certain lands situated in said county, and State of Kentucky, which lands are described as follows, viz: (description), being the same lands bought by me at a sale duly held under execution which issued from the office of the clerk of said court in favor of X, plaintiff, vs. Z, defendant. (See Execution Book A, execution No. —.

Notice—form of.

A. B."

§ 2. This act shall take effect from and after its passage.

Approved March 23, 1882.

## CHAPTER 553.

AN ACT to provide for the payment of extraordinary labor and expenses attending the safe-keeping and trials of persons charged with murder in the county of Boyd.

Neal and Craft  
trial.

WHEREAS, Extraordinary expenses were incurred by the sheriff of Boyd county in removing Geo. Ellis, William Neal, and Ellis Craft from Catlettsburg to the Mason county jail, under orders of the judge of the Boyd circuit court. The said parties were charged with murder, and such removal was deemed necessary as well for the protection as the security of the prisoners. In the trials of said Neal and Craft extraordinary labor was performed by the sheriff and his deputies, and also by the clerk of the Boyd circuit court, and not provided for by any general law; for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Appropriation.

§ 1. That the Auditor of Public Accounts shall draw his warrant on the Treasurer in favor of John J. Kouns, sheriff of Boyd county, for the sum of \$638.45, to reimburse him for moneys expended and extraordinary service performed by himself and deputies referred to in the preamble of this act.

§ 2. That the Auditor of Public Accounts shall draw his warrant on the Treasury in favor of M. F. Hampton, clerk of the Boyd circuit court, for the sum of \$100, for the five weeks' extra service performed by him during the special court held for the trial of the parties named in the preamble.

§ 3. This act shall take effect from its passage.

Approved March 24, 1882.

## CHAPTER 554.

AN ACT for the benefit of the Kentucky Manufacturing Establishment for the Blind.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Kentucky Man-  
ufacturing Estab-  
lishment for the  
Blind.

§ 1. That the sum of fifteen thousand dollars be, and the same is hereby, appropriated for the benefit of the "Kentucky Manufacturing Establishment for the Blind," located in Jefferson county in this State, and the Auditor is hereby authorized and required to draw his warrant for the same.



§ 2. That said sum of fifteen thousand dollars shall be \$15,000. invested by the board of directors of this establishment in the city of Louisville, or elsewhere in the county of Jefferson, in the purchase of real estate and the erection of buildings thereon, for the use of said establishment, and for no other purpose. In case said real estate shall cease to be used for the benefit of the blind, as set forth in the charter of said establishment, the same shall revert to and belong to, and become the property of, the State.

§ 3. The board of directors shall annually report to the Governor the number and names of apprentices, and the number and names of mechanics employed in said establishment, and such other facts concerning said establishment as may be of public interest. Directors to report.

§ 4. This act shall be in force from and after its passage.

Approved March 24, 1882.

#### CHAPTER 563.

AN ACT for the appointment of an official reporter, and for the preservation of evidence in certain cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the judges of the Warren circuit court and the Warren county court are hereby authorized to appoint a stenographic reporter, who shall be skilled in his profession, and who shall hold his office for a term of four years, and until his successor is appointed and qualified, unless he shall be removed by said judges for neglect of duty or incompetency. Official reporter for Warren circuit court.

§ 2. Upon the trial of any cause on the ordinary docket of the Warren circuit court, if either party to the suit, or their attorney, shall request the service of said official reporter, the presiding judge may, in his discretion, order a full report of the testimony, in which it shall be the duty of said official reporter to cause full short-hand notes of the evidence to be taken; and upon request of either party to the suit, or their attorney, to cause a full and accurate transcript of the same to be made, which shall be filed among the papers to be used in making up the bill of exceptions to the Court of Appeals. Duty of. The fees of said official reporter for attendance in court, and

taking short-hand notes in such cases, and making such transcripts, shall be fixed by the presiding judge of said court, and paid for forthwith by the party or parties at whose instance the same was ordered, and shall be taxed as a part of the costs of the suit.

Equity cases.

§ 3. In any suit or proceeding pending on the equity docket of the Warren circuit court, where proof is to be taken, if either of the parties to such suit or proceeding, or their attorney or solicitor shall suggest, the chancellor may, in his discretion, direct the proof to be taken by said official reporter, in which case it shall be his duty to cause the testimony to be taken in short-hand, and to cause a full and accurate transcript of the same to be made and filed among the papers. Proof so taken shall be used upon the hearing of the cause the same as if taken by any other officer authorized by law to take proof in such cases. Said chancellor may also, in his discretion, order a full report of the testimony upon the trial of any issue by a jury on said docket, where either of the parties or their attorneys shall request. The fees of said official reporter for taking testimony in such cases shall be fixed by the chancellor, and paid forthwith by the party in whose behalf it was taken.

Criminal cause.

§ 4. Upon the trial of any criminal cause in the Warren circuit court, if the Commonwealth's Attorney or the accused shall, through his attorney, request the service of said official reporter, the presiding judge may, in his discretion, order a full report of the testimony and transcript thereof, in which case it shall be the duty of the official reporter to cause full short-hand notes of the evidence to be taken, and to cause a full and accurate transcript of the same to be made and filed among the papers, which transcript may be used in making up the bill of exceptions to the Court of Appeals. The fees of said official reporter for taking and transcribing the testimony in such cases shall be fixed by the presiding judge, and shall be paid by Warren county if demanded by the attorney for the Commonwealth, and by the defendant if demanded by him: *Provided*, That no part of the fees of said reporter shall be paid by the Commonwealth.

County court.

§ 5. In any matter upon hearing before the county court of Warren county, if either of the parties, or their attorneys, shall request the service of said official reporter, in order that

the evidence may be preserved, the presiding judge of said court may, in his discretion, order a full report of the testimony in such matter to be taken, in which case it shall be the duty of said official reporter to cause full short-hand notes of the testimony to be taken, and upon request of either party, or their attorney, to cause an accurate transcript of the same to be made and filed among the papers, to be used by the respective parties as the court may direct. The fees for taking notes and making transcripts in such cases shall be fixed and certified by the presiding judge, and paid forthwith by the party or parties at whose instance the same was ordered, and shall be taxed as a part of the costs in the suit or proceeding.

§ 6. The testimony of any witness or witnesses taken by said official reporter, in any of the said courts as aforesaid, shall constitute a part of the record of the case, and may, in the discretion of the court, be used in any subsequent trial of the same case between the same parties where the testimony of such witness or witnesses cannot be procured; which fact must be made to appear to the court by the affidavit of the party desiring to use the same, or by the affidavit of his attorney.

Part of record.

§ 7. The official reporter appointed under the provisions of this act shall be *ex officio* an examiner, may have an official seal, and shall have full power and authority to swear witnesses, and take and certify depositions in any of the courts of this Commonwealth, and shall have the same fees as now allowed by law examiners.

Ex officio examiner.

§ 8. Before entering upon the duties of his office the official reporter appointed under this act shall take an oath for the faithful performance of his duties, and shall give bond, with sufficient security, cautioned for the faithful performance of his duties, to be filed in the office of the clerk of the Warren circuit court, and for any breach of said bond suit may be instituted thereon for the use of the party injured.

Oath of.

§ 9. That any of the said reports, when attested by the judge before whom the trial is had, may be taken, without being copied, to the Court of Appeals, to be used upon an appeal, and thereafter returned to the court in which it was made.

When to be used in Court of Appeals.

§ 10. This act shall take effect from its passage.

Approved March 24, 1882.

## CHAPTER 578.

AN ACT to repeal an act, entitled "An act to amend chapter 94 of the General Statutes," so far as the provisions of said act applies to Ohio county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Ohio county.

§ 1. The act approved February 19th, 1880, extending the provisions of an act, approved April 10th, 1878, amending chapter 94, General Statutes, be, and the same is hereby, repealed, so far as the same applies to Ohio county.

§ 2. This act shall take effect from and after its passage.

Approved March 25, 1882.

## CHAPTER 600.

AN ACT for the benefit of the Institution for the Education and Training of Feeble-minded Children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

\$4,500 appropriated.

§ 1. That there is hereby appropriated out of the general revenues of the State the sum of four thousand five hundred dollars for the payment of improvements made and to be made for the use and benefit of the Institution for the Education and Training of Feeble-minded Children, near Frankfort, Kentucky, as follows, to-wit :

For balance due on additional building, workshops, and laundry heretofore constructed,	\$1,500
For the construction and completion of a basement to main buildings of said institution, including excavation, stone work, brick work, and work on corridors,	3,000

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\$4,500

How paid.

§ 2. The said sum of fifteen hundred dollars hereby appropriated to pay the balance on additional building, shops, and laundry aforesaid, shall be paid on the draft of the commissioners of said institution ; and upon said draft being made, the Auditor shall draw his warrant upon the Treasurer for said sum, which shall be payable out of the general revenue not otherwise appropriated.

§ 3. The work in the erection and construction of the base-ment and corridors to said buildings shall be let out by said commissioners to the best bidder, and they shall take bond from the person or persons receiving the contract for the faithful performance of the work according to plans and specifications, upon which bond suit may be instituted by the Commonwealth for a breach of said contract, or for a violation of any of its conditions. Work to be let.

§ 4. Nothing in this act shall be construed as authorizing said commissioners to draw any part of said three thousand dollars hereby appropriated for the improvements to said buildings, except in fulfillment of their contract with the person or persons doing said work; and only eighty per cent. shall be drawn until the work is completed.

§ 5. Only so much of said three thousand dollars as may be necessary to make the improvements herein authorized shall be drawn from the Treasury by said commissioners; but so much as may be necessary, not exceeding the sum of three thousand dollars, may be drawn on the warrant of said commissioners; and upon same being made as herein authorized, the Auditor shall draw his warrant upon the Treasurer, which shall be payable out of the general revenues of the State not otherwise appropriated.

§ 6. This act shall take effect from its passage.

Approved March 29, 1882.

## CHAPTER 602.

AN ACT to amend chapter fifty-six of the General Statutes of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That any number of persons may associate themselves together, and become incorporated for the establishment and conduct of any charitable, social, benevolent, mutual-benefit society, or lodge of any secret order or society, or lodge of like character, where the object is lawful, and have all the rights and privileges conferred by sections two (2) and six (6), and be subject to all duties and obligations prescribed in the chapter to which this is an amendment, by complying with the provisions of section three (3) and five (5) of said act: *Provided, however,* That no body shall be incorporated under

Gen. Stat., chap.  
56, amended.

this act where any insurance or banking privileges are sought, or where any condition is contained providing for the payment of money to any person, or for any purpose, upon the death of a member thereof.

Sections, &c.

§ 2. That sections seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen of the chapter to which this is an amendment be, and they are hereby, re-enacted, and made applicable to all societies and lodges incorporated under this act, so far as such societies, associations, and lodges may come within the purview of the sections above specified.

§ 3. This act shall take effect from its passage.

Approved March 29, 1882.

#### CHAPTER 610.

AN ACT to repeal an act, entitled "An act to amend an act, entitled 'An act to regulate and make uniform the rate of tolls in incorporated turnpike, gravel, and plank roads in this Commonwealth,'" approved March 19, 1878, exempting Marion county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Repealed.

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to regulate and make uniform the rate of tolls in incorporated turnpike, gravel and plank roads in this Commonwealth,'" approved March 19, 1878, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1882.

#### CHAPTER 612.

AN ACT to amend section 8 of chapter 67 of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Gen. Stat., chapter 67, section 8, amended.

§ 1. That section eight of chapter sixty-seven, of the General Statutes, be, and the same is hereby, amended to read as follows: "The State Librarian shall annually transmit to the Librarian of each of the other States, and also the Librarian of Congress, two copies of the Session Acts."

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

CHAPTER 614.

AN ACT to prohibit certain persons from serving on juries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That no person shall be a competent juror in any court in this Commonwealth while under indictment in this State or elsewhere, or who has been convicted of a felony and not pardoned. Juror—competency of.

§ 2. Neither the verdict of a petit jury, nor an indictment of a grand jury, shall be set aside for the reasons that persons incapacitated from serving thereon by this act have served upon such jury. Verdict, &c.

§ 3. This act to take effect and be in force from and after its passage.

Approved March 29, 1882.

CHAPTER 615.

AN ACT to empower the Auditor of Public Accounts to sell and convey certain lands in Obion county, Tennessee.

WHEREAS, The State of Kentucky, in a settlement with W. M. Samuels, sheriff of Hickman county, and in default for revenue of year 1865, acquired the title to an undivided one third of a certain 200 acres of land lying in Obion county, Tennessee; therefore, Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be, and is hereby, directed and authorized to sell said land for what he may find to be a fair cash valuation, and convey in proper manner all right and title the State may hold thereto. Auditor to sell.

§ 2. This act to take effect from and after its passage.

Approved March 29, 1882.

CHAPTER 616.

AN ACT to amend chapter 27, article 3, section 9, of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That chapter 27, article 3, section 9, be amended as follows: That after the word recovery, and before the Gen. Stat., chap. 27, art. 3, sec. 9, amended.

word either, in the eleventh line of said section, the following words be inserted, to-wit: and ten per centum damages on the amount thereof.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1882.

#### CHAPTER 634.

AN ACT for the benefit of the Central Lunatic Asylum at Anchorage.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Anchorage.

§ 1. That there is hereby appropriated, out of the general revenues of the State, the sum of thirteen thousand nine hundred and twenty-two dollars, to pay for the following improvements for the use and benefit of the Central Lunatic Asylum :

Appropriation to  
Central Lunatic  
Asylum.

Deficit in appropriations heretofore made for the purchase of land, - - - - -	\$1,166
Deficit in appropriation heretofore made for an additional building for the confinement of patients, -	473
Extra work on said building over and above contract,	750
Plastering done on said building over and above contract, - - - - -	300
Painting not included in contract, - - - - -	300
Heating apparatus, not included in contract, - -	800
Steam pump, - - - - -	325
Wire-cage bedsteads, - - - - -	200
Grates for windows, - - - - -	200
Water tank, - - - - -	500
Additional repairs on farm house, - - - - -	350
Steam fire engine, pipes, and appendages, - -	400
Material for the construction of railroad bridge, -	1,450
Skilled labor in the construction of railroad bridge,	1,358
Civil engineer's fees, - - - - -	50
Grading railroad from line of railway to asylum, -	4,000
Furniture and bedding for the new building, - -	1,300
	<hr/>
	\$13,922

Auditor, &c.

§ 2. Upon the draft of the commissioners of said asylum, the Auditor shall draw his warrant upon the Treasurer for the sum herein appropriated, or any part thereof, which shall



be paid out of any money in the Treasury not otherwise appropriated.

§ 3. Within three months after the money is drawn as herein appropriated, the commissioners of said asylum shall settle their accounts with the Auditor, showing proper vouchers for each and all the items of expenditures provided for in this act. Commissioners to settle.

§ 4. This appropriation is made with a distinct avowal that in the future the Commonwealth of Kentucky will acknowledge no legal, moral, or equitable obligation to pay or legalize any expenditure in said asylum, or in any other charitable institution, not previously authorized by law, and due notice is hereby given of said fact to all parties concerned, except such repairs to buildings as are absolutely necessary to keep them in repair.

§ 5. This act shall take effect from its passage.

Approved March 29, 1882.

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#### CHAPTER 640.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State,'" approved April 9th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts organizing and regulating the lunatic asylums of this State,'" approved April 9th, 1880, be amended by striking out all of the first section thereof between the word "room," in the 27th line, and the word "no," in the 29th line, and inserting the following in lieu thereof: "And each superintendent and his family, and the other said officers, shall be entitled to take their meals in the institutions at the expense of the State." Lunatic asylums.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 686.

AN ACT declaring Clifty creek, in Muhlenburg county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Clifty creek navigable.

§ 1. That Clifty creek, in Muhlenburg county, is hereby declared to be a navigable stream from its mouth up to where it forks near the farm of John McPherson, in said county.

§ 2. That any person hereafter in any way obstructing said creek by cutting and falling timber into it so as to obstruct the navigation of said creek, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding fifty dollars for each offense, to be recovered by any court of competent jurisdiction, to be applied and paid into the common school fund of said county. That nothing in this act shall be so construed as to prevent persons owning land on said creek from putting in water-gates to protect their crops from stock running at large; nor shall this act affect any permanent improvement at this time existing on said creek.

§ 3. This act shall take effect from its passage.

Approved April 1, 1882.

## CHAPTER 704.

AN ACT to authorize the sale of the Military Road and its franchises.

Preamble.

WHEREAS, It is represented to this General Assembly that the Military Turnpike Road Company, a corporation established by the judgment of the county court of Fayette county, is hopelessly involved in debt, which is continually increasing; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Sale to be ordered  
—when.

§ 1. That the Fayette circuit court, or the Fayette court of common pleas, is hereby authorized and empowered, on the application of the creditors, or any one or more of the creditors of said Military Turnpike Road Company, to order and decree a sale of the turnpike road of said company, with all the property and effects of said company, and all its rights, privileges, and franchises, including the right to take tolls thereon, as one entire thing, and to have the same conveyed to the purchaser or purchasers, who shall thereupon be in-

vested with an absolute title thereto, in as full and ample a manner as said Military Turnpike Road Company now is, with all the rights and franchises now owned by said company, and subject to all the duties and restrictions of the same as to keeping said road in repair and taking tolls thereon.

§ 2. Said Military Turnpike Road Company shall be made a defendant to said suit, and shall have legal notice thereof, and all or any of the creditors thereof may join as plaintiffs in said suit. If any one or more of the creditors of said company shall fail or refuse to unite in the suit, all such creditors as may be known to the plaintiffs shall be made defendants to the suit. The court shall take proper steps to ascertain all the indebtedness of the company, and the debts legally established shall be paid out of the proceeds of sale; or if the proceeds are not sufficient to pay the entire indebtedness, then the court will, after payment of the costs of the action, apply the proceeds of the sale pro rata to the payment of the debts, unless one or more of the creditor's claims is, under existing law, entitled to priority of payment, in which event the court will regard such legal priorities.

§ 3. If as many as three persons shall become joint purchasers of said road, its property and franchises, or if that number shall, after the sale, become interested in the purchase, they may file a petition in the clerk's office of the Fayette county court, showing the persons interested in said road, and the interest of each in the road, and praying the county to declare them a body-corporate, and suggesting the name under which they desire to be incorporated; and thereupon said county court is authorized to declare said owners a corporation, with the same rights, privileges, and franchises as said Military Turnpike Road Company now enjoys, and subject to the same duties, responsibilities, and restrictions as said company is now under.

Purchasers may  
become corporate.  
rate.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1882.

## CHAPTER 718.

AN ACT to repeal an act, entitled "An act to amend section 30, article 1, chapter 94, General Statutes," so far as it applies to Barren, Metcalfe, and Monroe counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Public road.

§ 1. That an act, entitled "An act to amend section 30, article 1, chapter 94, General Statutes," title "Public Road," approved 8th March, 1880, be, and the same is hereby, repealed, so far as the same applies to Barren, Metcalfe, and Monroe counties

§ 2. This act to take effect from and after its passage.

Approved April 1, 1882.

## CHAPTER 729.

AN ACT to amend an act, entitled "An act to regulate appellate jurisdiction of the courts of this Commonwealth," approved May 5th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Appellate jurisdiction regulated.

That an act, entitled "An act to regulate the appellate jurisdiction of the courts of this Commonwealth," approved May 5th, 1880, be amended as follows:

§ 1. Appeals shall be to the circuit court of the county, and to courts of similar jurisdiction, from all judgments or orders of the quarterly courts in civil cases, when the amount in controversy, exclusive of costs, exceeds the sum of twenty-five dollars, and from justices' courts and other courts of similar jurisdiction in civil cases, where the amount in controversy, exclusive of costs, is as much as fifty dollars or more.

Quarterly courts.

§ 2. Appeals shall lie to the quarterly court of the county from judgments of justices' courts and courts of similar jurisdiction, in civil actions, where the amount in controversy, exclusive of costs, is as much as ten dollars and not as much as one hundred dollars. This act shall take effect from and after the first day of June, 1882, and all acts or parts of acts in conflict with this act are hereby repealed: *Provided*, That the provisions of this act shall not apply to the counties of Jefferson, Hardin, and McCracken.

Approved April 1, 1882.

CHAPTER 741.

AN ACT to declare the Little South Fork, in Wayne county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Little South Fork, in Wayne county, from its mouth to the town of Pannleyville, is hereby declared to be a navigable stream.

Little South Fork navigable.

§ 2. That this act shall be in force from and after the 1st day of May next.

Approved April 1, 1882.

CHAPTER 745.

AN ACT to change the time of holding the Lewis circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the time of holding the Lewis circuit court be changed from the first Mondays in June and December to the second Mondays in June and December, and said Lewis circuit court shall hereafter be held on the second Mondays in June and December of each year, and continue eighteen juridical days, if the business of the court require it.

Lewis circuit court.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1882.

CHAPTER 756.

AN ACT to amend chapter one hundred and two of the General Statutes, titled "Small-pox."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section (5) five, of article two (2), of chapter (102) one hundred and two, of the General Statutes, be amended by inserting after the word "authority," in the third line, the words "and are required."

Gen. Stat., chap. 102, amended.

Small-pox.

§ 2. That section eight and section nine of article two of said chapter be, and the same is hereby, re-enacted.

§ 3. That it shall be the duty of the local boards of health, in each county of this Commonwealth, to have the provision of said chapter enforced.

Duty of local boards.

§ 4. All laws in conflict with chapter 102 of the General Statutes, as herein amended, are hereby repealed.

§ 5. This act shall take effect from and after its approval.

Approved April 1, 1882.

## CHAPTER 772.

AN ACT for the continuation of the Geological Survey and Bureau of Immigration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for the continuation of the Geological, Topographical, and Agricultural Surveys of the State, and the Bureau of Immigration, now under the direction of the State Geologist, there is hereby appropriated, from any moneys in the Treasury not otherwise appropriated, as follows:

For the further geological investigations of the State, including the salary of the State Geologist and his geological assistants, and their field expenses, four thousand dollars per annum.

For the continuation of the Topographical Survey, and the work on the State map, twenty-five hundred dollars per annum.

For the continuation of chemical analysis of soils, clays, coal, iron ores, and other substances collected by the Geological Survey, six hundred dollars per annum.

For the office expenses of the Surveys, and for the collection and preservation of specimens, five hundred dollars per annum.

For the expenses of the Bureau of Immigration, the pay of assistants and agents, and their necessary traveling expenses, and for the carrying out of the objects of the Bureau of Immigration as hereinafter provided for, five thousand dollars per annum.

§ 2. That the money not required for any of the purposes specified above may be used for the other specified purposes.

§ 3. That the maps, reports, and publications of the Survey shall be stereotyped, printed, and distributed as follows: one copy each shall be given to each member of the State Government, and one copy each to each member of the General Assembly in office at the time of publication; one to each

Geological Survey and Board of Immigration.

\$4,000.

\$2,500.

\$600.

\$500.

\$5,000.

Maps, &c., to be distributed, and show.

clerk's office of the several county courts, to be filed and retained therein for the information of the citizens of said county; five copies to each officer of the Survey engaged in the preparation thereof; three hundred copies shall be distributed to the various public libraries and men of science in this and other countries, in the manner most likely to diffuse a knowledge of the resources of the State, and to aid in the development of its industries; and that the remainder of the copies printed from time to time shall be offered for sale as directed by the Governor of this Commonwealth, at the actual cost of printing, binding, and distributing the same. The first edition of each of the reports and other publications of the Survey shall not exceed five hundred copies.

§ 4. That the Governor shall, at this and each regular meeting of the Legislature, appoint a State Geologist, by and with the advice and consent of the Senate, for the term of two years, or until his successor is appointed and qualified, who shall reside at Frankfort, and be there at all times when not engaged in the necessary surveys, and who shall also be a Commissioner of Immigration; and the said State Geologist shall be required to keep an account of all moneys paid out in his department in a book kept for that purpose, and to be at all times open to inspection to the members of the General Assembly and other State officials. Said Commissioner shall attend to the office work of the Survey, and, in addition thereto, he shall collect, compile, publish, and circulate, in such manner and by such agencies, and in such places as he may deem proper and advisable, in the United States and in foreign countries, pamphlets and other publications descriptive of the resources and advantages of this State, and such other facts and information having a tendency to attract and promote immigration, and otherwise use his discretion in the furtherance of immigration, and the bringing of skilled labor and capital into the State. He shall also collect and disseminate such information as in his judgment will best aid in the founding of industries to utilize and manufacture within the State the raw products of the State. That the reports of said Commissioner, when presented to the Governor and approved by him, shall be printed by the Public Printer, at the same charges and upon the same terms as similar work

Governor to appoint, &c.

Duties of State Geologist and Commissioner.

is done for the State: *Provided*, The printing done under this section shall be paid for out of the fund herein appropriated.

§ 5. Said Commissioner shall keep in his office a record of lands for sale, lease, or colonization, which record shall be kept accessible to all persons inquiring for such information as it may contain; and no fee shall be allowed for entry or recording of same, nor shall any fee or commissions be charged by said Bureau on any lands so recorded which may be sold to immigrants.

Shall keep record  
of lands for sale.

§ 6. Neither said Commissioner nor his assistants shall have, either directly or indirectly, any interest in any real estate agency, mineral rights, or land sales whatever, nor in any other speculation developed in the exercise of their official duties.

§ 7. This act shall be in force from and after its passage, and shall repeal all acts and parts of acts in conflict with its provisions; but the foregoing appropriations shall only be for two years.

Approved April 1, 1882.

#### CHAPTER 790.

AN ACT to prevent extortion and discrimination in the transportation of freight and passengers by railroad corporations, and in aid of that purpose to establish a Board of Railroad Commissioners, and define its powers and duties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. If any railroad corporation shall willfully charge, collect, or receive more than a just and reasonable rate of toll or compensation for the transportation of passengers or freight in this State, or for the use of any railroad car upon its track, or upon any track of which it has control or the right to use in this State, it shall be guilty of extortion, and, upon conviction, shall be punished as prescribed by this act.

Extortion—when  
guilty of.

§ 2. If any railroad corporation shall willfully charge, collect, or receive from any person or persons, for the transportation of any freight upon its railroad, a higher or greater rate of toll or compensation than it shall at the same time charge, collect, or receive from any other person or persons for the transportation of the like quantity of freight of the same class, being transported from the same point, in the

Discriminations  
prohibited.



same direction, over equal distances of the same railroad, or if it shall charge, collect, or receive from any person or persons, for the use and transportation of any railroad car or cars upon its railroad a higher or greater sum than it shall at the same time charge, collect, or receive from any other person or persons for the use or transportation of a car or cars of the same class for a like purpose, from the same point, in the same direction, and an equal distance; all such discriminating rates, charges, or collections, whether made directly or by means of any rebate, or other shift or evasion, shall be considered and taken as *prima facie* evidence of discrimination, which is hereby prohibited and declared unlawful, and shall be punished as prescribed by this act. When one or more car-loads of freight shall be transported at the same time for different persons, and for each shipper a car-load or more, such shipments shall be considered and taken as the same quantity of freight within the meaning of this act; and when less than a car-load of freight, and over five thousand pounds, are transported at the same time for different shippers, and for each shipper over five thousand pounds, such shipments shall be considered and taken as the same quantity of freight; and when over five hundred pounds, and less than five thousand pounds, are transported at the same time for different shippers, and for each shipper said quantity of freight, such shipments shall be considered and taken as the same quantity of freight.

§ 3. Nothing contained in this act shall be construed to prohibit railroad corporations from issuing commutation, excursion, or thousand-mile tickets, as are now issued, nor as controlling the rates of freight which come from and go beyond the boundaries of the State, nor as excluding other evidence of extortion or unlawful discrimination.

§ 4. Any railroad corporation that shall be guilty of extortion or unlawful discrimination shall, upon conviction, be fined for the first offense in any sum not less than one hundred dollars, nor more than one thousand dollars; and upon a second conviction, in any sum not less than five hundred dollars, nor more than two thousand dollars; and upon a third conviction, in any sum not less than two thousand dollars, nor more than five thousand dollars. The circuit court, or court of similar jurisdiction, of any county into or through which the line of railroad may run owned by the corporation alleged

Penalty.

to be guilty as aforesaid, shall have jurisdiction of the offense, which shall be prosecuted by indictment or by action in the name of the Commonwealth, upon information filed by the Board of Railroad Commissioners; and in all prosecutions and actions against railroad corporations under this act, a preponderance of the evidence shall govern and control the jury in making their verdict. And such railroad corporation shall also be liable in damages to the party aggrieved three times to the amount of the damages sustained, together with costs of suit and a reasonable attorney's fee, to be fixed by the court.

Governor to appoint commissioners.

§ 5. The Governor, during the present session of the General Assembly, shall, by and with the advice and consent of the Senate, appoint three competent persons as Commissioners, who shall constitute a Board of Railroad Commissioners, who shall hold their offices until the next meeting of the General Assembly, and until their successors are appointed and qualified. At the next meeting of the General Assembly, and every two years thereafter, the Governor, by and with the advice and consent of the Senate, shall appoint three competent persons as such Commissioners, who shall hold their offices for the term of two years from the first Monday in the year of their appointment, and until their successors are appointed and qualified. For the purposes of this act the State shall be divided into three districts, to be called the Eastern, the Middle, and the Western Districts, and the Governor shall appoint one Commissioner from each district, who shall now be, and shall continue to be during his term of office, a resident of the district from which he is appointed.

Eastern District.

The Eastern District shall be composed of the following counties, to-wit: Boone, Kenton, Grant, Harrison, Bourbon, Clark, Estill, Madison, Jackson, Laurel, Rockcastle, Whitley, Knox, Bell, Harlan, Leslie, Perry, Letcher, Floyd, Pike, Martin, Johnson, Breathitt, Clay, Owsley, Lee, Powell, Montgomery, Bath, Nicholas, Fleming, Robertson, Pendleton, Bracken, Campbell, Lewis, Mason, Greenup, Rowan, Carter, Elliott, Boyd, Lawrence, Morgan, Magoffin, Wolfe, Menifee.

Middle District.

The Middle District shall be composed of the following counties, to-wit: Gallatin, Owen, Scott, Fayette, Jessamine, Pulaski, Wayne, Clinton, Russell, Casey, Lincoln, Garrard, Boyle, Mercer, Anderson, Woodford, Franklin, Henry, Oldham, Carroll, Trimble, Jefferson, Shelby, Spencer, Bullitt,

Nelson, Washington, Marion, Taylor, Green, Adair, Cumberland.

The Western District shall be composed of the following counties, to-wit: Meade, Hardin, Larnoe, Hart, Metcalfe, Barren, Monroe, Allen, Simpson, Warren, Edmonson, Grayson, Breckinridge, Hancock, Ohio, Butler, Logan, Todd, Muhlenburg, McLean, Daviess, Henderson, Webster, Hopkins, Christian, Trigg, Caldwell, Lyon, Crittenden, Union, Livingston, Marshall, Calloway, Graves, McCracken, Ballard, Hickman, Fulton.

Western District.

§ 6. No person shall be appointed as such Commissioner who is under twenty-five years of age, or who is directly or indirectly interested in any stock, bond, or other property of, or is in the employment of any railroad company; and no person appointed as such Commissioner shall, during the term of his office, become interested in any stock, bond, or other property of any railroad company, or be employed by any railroad company. The Governor shall have power to fill vacancies in the office of any such Commissioner until the meeting of the Senate.

Qualification of Commissioners.

§ 7. Before entering upon the duties of his office, each of said Commissioners shall make and file with the Secretary of State an affidavit that he will faithfully discharge the duties of the office of Commissioner of Railroads, without favor or partiality, to the best of his ability.

Oath.

§ 8. Each of said Commissioners shall receive for his services the sum of not exceeding two thousand dollars per annum, payable quarterly; they shall be furnished with an office, furniture, and stationery at the expense of the State. The total sum to be expended by said Commissioners for office rent, furniture, and stationery shall not exceed eight hundred dollars per annum. The office of said Commissioners shall be kept at Frankfort.

Salary.

§ 9. Every railroad company shall, on or before the first day of September in each year, make and transmit to the Commissioners, at their office in Frankfort, under oath of the proper officers of the corporation, a full and true statement of the affairs of said corporation as the same existed on the first day of the preceding July, specifying:

Statement to be made by railroad company

1st. The amount of capital stock paid up, and the names of the owners thereof, and amounts owned by each, and the residence of each stockholder as far as known.

2d. The amount of its assets and liabilities.

3d. The names and place of residence of its general officers.

4th. The amount of cash paid to the company on account of the original capital stock.

5th. The amount of funded debt.

6th. The amount of floating debt.

7th. The estimated value of the road-bed, including iron and bridges.

8th. The estimated value of rolling-stock.

9th. The estimated value of stations, buildings, and fixtures

10th. The estimated value of other property.

11th. The length of single main track.

12th. The length of double main track.

13th. The length of branches, stating length of single and of double track.

14th. The aggregate length of siding and other tracks not above enumerated.

15th. The number of miles run by passenger trains during the year preceding the making of the report.

16th. The number of miles run by freight trains during the same period.

17th. The number of tons of through freight carried, and the number of tons of local freight during the same time.

18th. The monthly earnings for the transportation of passengers during the same time.

19th. The monthly earnings for the transportation of freight during the same time.

20th. The monthly earnings from all other sources respectively.

21st. The amount of expense incurred in running of passenger trains during the same time.

22d. The expense incurred in running freight trains and in running mixed trains during the same time.

23d. All other expenses incurred in the management of the road, including the salaries of officers, which shall be reported separately.

24th. The amount expended for repairs of road and maintenance of way, including repairs and renewals of bridges and renewals of iron.

25th. The amount expended for improvements, and whether the same are estimated as a part of the expenses of operating or repairing the road, and if either, which?

26th. The amount expended for motive power and cars.

27th. The amount expended for station houses, buildings, and fixtures.

28th. All other expenses for maintenance of way.

29th. All other expenses for other purposes.

30th. The rate of fare for passengers for each month for the same time, through and way passengers separately.

31st. The tariff of freights, showing each change of tariff during the same time, and a copy of each published rate for passengers and freight issued to its agents during the same time, and whether the published rates were those actually received; if not, what were received.

32d. The number of tons of freight carried one mile.

33d. The amount received per ton per mile.

34th. The average distance each ton was hauled, and the average cost of hauling a ton of freight one mile.

35th. What freight and transportation companies run on its road, and on what terms, and whether such transportation companies use the cars of the railroad company, or cars furnished by themselves.

36th. Whether the freight or cars of such transportation companies are given any preference in speed or order of transportation; and if so, in what particular?

§ 10. The said Commissioners may propound any additional interrogatories, which shall be answered by such companies in the same manner as those specified in the foregoing section.

Interrogatories.

§ 11. Said Commissioners shall, on or before the first day of December in each year, and oftener if required by the Governor to do so, make a report to the Governor of their doings for the preceding year, containing such facts as will disclose the practical workings of the system of railroad transportation in this State, and such suggestions in relation thereto as to them may seem appropriate.

When to report.

§ 12. Said Commissioners shall examine into the condition, management, and all other matters concerning the business of railroads in this State, so far as the same pertain to the relation of such railroads to the public; and whether such railroad corporations, their officers and employes, comply

Other duties.

with the laws of this State. And whenever it shall come to their knowledge, or they shall have reason to believe that the laws affecting railroad corporations in their business relations to the public have been violated, they shall prosecute, or cause to be prosecuted, the corporations or persons guilty of such violation.

Power of the  
Commissioners.

§ 13. Said Commissioners shall have power to examine, under oath, the directors, officers, agents, and employes of any railroad corporation concerning the management of its affairs, and to obtain information pursuant to this act; and shall have power to issue subpoenas for the attendance of witnesses, and to administer oaths. In case any person shall willfully refuse or fail to obey such subpoena, it shall be the duty of the circuit court, or any court of similar jurisdiction of the county, upon application of said Commissioners, to issue an attachment for such witnesses, and compel them to attend before the Commissioners, and give testimony upon such matters as may be lawfully required of them, and may punish for contempt as in other cases.

Neglect of pro-  
cess, &c.

§ 14. Any person who shall willfully neglect or refuse to obey the process of subpoena issued by said Commissioners, and appear and testify as therein required, shall be deemed guilty of a misdemeanor, and shall be liable to indictment in any court of competent jurisdiction, and, upon conviction thereof, shall be punished for each offense by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment not more than — days, or both, in the discretion of the jury.

Refusal to report.

§ 15. Every corporation, and every officer or agent that shall willfully neglect or refuse to make any report required in this act at the time herein required, or who shall intentionally hinder and obstruct said Commissioners in the discharge of the duties hereby imposed upon them, shall be fined in the sum of not less than fifty nor more than one hundred dollars, to be recovered upon an indictment, or by an action in the name of the Commonwealth, to be instituted by said Commissioners.

Attorney General  
and Common-  
wealth's Attor-  
ney.

§ 16. It shall be the duty of the Attorney General and the Commonwealth's Attorney in the circuit in which proceedings may be instituted, upon the request of the Commissioners, to institute and prosecute all actions and proceedings authorized by this act.

§ 17. This act shall not apply to any street railroad.

§ 18. The term railroad corporation, as used in this act, shall be construed to include any person, association, or company operating a railroad, whether incorporated or not. And any association, company, or corporation extorted upon or discriminated against, shall be included in the term person, as used in this act. What included.

§ 19. Said Commissioners shall hear and determine complaints under the first and second sections of this act. Such complaints shall be made to said Commissioners in writing, and they shall give the company complained of not less than ten days' notice of the time and place of hearing the same. They shall hear the evidence of the parties, and award judgment as authorized by this act. Unless the same be satisfied, the chairman shall, within ten days, file a copy of said award in the office of the clerk of the circuit court of the county which, under the Code of Practice, would have jurisdiction of such controversy, on which execution shall issue as on other judgments: *Provided*, That any party dissatisfied with said award may, within ten days, file a traverse thereof with the clerk of said court, who shall docket the same for trial at the next term. If the matter in controversy shall exceed twenty dollars, said court, on demand of either party, shall empanel a jury to try the same. If it does not exceed that sum, the court shall hear and summarily decide the same without the intervention of a jury. Duties and powers of the Commissioners.

§ 20. This act shall take effect from and after its passage.

Approved April 6, 1882.

## CHAPTER 803.

AN ACT to regulate the holding of the Carroll county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the regular terms of the Carroll county court shall be held on the third Monday in each month. County court.

§ 2. That the court of claims for Carroll county shall be held as now, on the 1st Monday in December. Quarterly court.

§ 3. That all acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved April 6, 1882.

## CHAPTER 804.

AN ACT to increase the jurisdiction of the Simpson quarterly court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Quarterly court. § 1. That the quarterly court of Simpson county shall have concurrent jurisdiction with circuit courts of all civil actions for the recovery of money or personal property when the matter in controversy, exclusive of interest and cost, exceeds fifty dollars, and does not exceed four hundred dollars.

Appeals from. § 2. Appeals from quarterly courts to the circuit courts shall be taken as now provided by law.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 6, 1882.

## CHAPTER 809.

AN ACT to amend section 3 of an act, entitled "An act to amend chapter 92 of the General Statutes, entitled 'Revenue and Taxation,'" approved March 8, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Section 3, act of March 8, 1880, amended. § 1. That section 3 of an act, entitled "An act to amend chapter 92 of the General Statutes, entitled 'Revenue and Taxation,'" approved March 8th, 1880, be, and the said section is, amended by adding after the word "Elliott," in the last line of said section, the words "Clay, Jackson, and Owaley."

§ 2. This act shall take effect from and after its passage.

Approved April 6, 1882.

## CHAPTER 815.

AN ACT to change the time of holding the circuit courts in and for Lyon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Circuit court of Lyon county. § 1. That the circuit court in and for Lyon county, in the second judicial district, shall commence on the first Monday in the months of June and December of each year (instead of



second Monday), and continue eighteen days at each term, if the business requires it.

§ 2. This act shall take effect and be in force from and after the first day of August, 1882.

Approved April 6, 1882.

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CHAPTER 818.

AN ACT authorizing banks and corporations to accept guarantee bonds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for any bank or corporation, which requires bond with security for the faithful conduct and honesty of their officers and employes, to accept as such security the bond of any guarantee company, specially and exclusively constituted for guarantee purposes, and which has complied with the laws of this State, and holds the certificate of the Commissioner of Insurance, authorizing it to transact business in the State, where and when such bank or corporation, by its board of directors, may elect or decide to receive such bonds from its officers and employes in place or substitution of personal bond from private individuals.

Bond of bank officers.

§ 2. This act to take effect from its passage.

Approved April 6, 1882.

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CHAPTER 841.

AN ACT to fix the times and terms of the circuit courts in the seventh judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the times and terms of holding the circuit courts in the seventh judicial district shall be as follows:

In the county of Monroe on the first Monday in January and July, and continue twelve juridical days. Monroe.

In the county of Green on the third Monday in January and July, and continue twelve juridical days. Green.

In the county of Hart on the first Monday in February, and to continue twenty-four juridical days, and on Tuesday after the first Monday in August, and to continue twenty-three juridical days. Hart.

**Adair.** In the county of Adair on the first Monday in March and September, and to continue eighteen (18) juridical days.

**Barren.** In the county of Barren on the fourth Monday in March and September, and to continue thirty juridical days.

**Allen.** In the county of Allen on the first Monday in May and November, and to continue twelve juridical days.

**Metcalfé.** In the county of Metcalfé on the third Monday in May and November, and to continue twelve juridical days.

**Cumberland.** In the county of Cumberland on the first Monday in June and December, and to continue twelve juridical days.

**Clinton.** In the county of Clinton on the (3d) third Monday in June and December, and to continue twelve juridical days.

§ 2. This act to take effect and be in force from and after the fifteenth day of June, 1882.

Approved April 6, 1883.

#### CHAPTER 856.

AN ACT fixing the terms of the circuit courts in the fifth judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

**5th judicial district.** § 1. That the terms of the circuit courts in the counties composing the fifth judicial district shall be begun at the time fixed in this act, and may be held for the length of time herein set forth, if the business so require, to-wit:

**Logan.** Logan, first Mondays in January and July, and continue twenty-four juridical days each term.

**Warren.** Warren, first Monday in February, and continue thirty juridical days; first Monday in June, and continue twenty-four juridical days; and the second Monday in October, and continue thirty juridical days.

**Simpson.** Simpson, second Monday in March and first Monday in September, and continue eighteen juridical days each term.

**Butler.** Butler, first Monday in April, and continue eighteen juridical days, and the fourth Monday in September, and continue twelve juridical days.

**Todd.** Todd, first Monday in May and third Monday in November, and continue eighteen juridical days each term.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force on and after January 1st, 1883; but on and after the terms of court in said counties next preceding January 1st, 1883, all process of said courts shall be made to the various terms as fixed by this act.

Approved April 7, 1882.

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CHAPTER 878.

AN ACT to amend section one, article one, chapter fifty-five, General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section one, article one, of chapter fifty-five, of the General Statutes, be amended by adding after the word "thereof," in the sixth line of said section, the following: "or every fence five feet high, built entirely of smooth or barbed wire, or in part of plank and in part of such wire, and with posts planted not more than sixteen feet apart."

General Statutes, chapter 55, section 1, article 1, amended.

§ 2. This act shall apply only to the counties of Jefferson, Fayette, Oldham, Mercer, and Bullitt, and shall be in force from and after its passage.

Approved April 7, 1882.

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CHAPTER 883.

AN ACT to fix the time of holding circuit courts in the 18th judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the circuit courts of the eighteenth judicial district in this State shall be held at the court-houses in the counties composing said district as follows:

18th judicial district.

In Taylor county, two terms of eighteen days each, beginning the third Monday in January and fourth Monday in June.

Taylor.

In Nelson county, three terms of twelve days each, beginning second Monday in February, fourth Monday in May, and third Monday in October.

Nelson.

In Washington, two terms of eighteen days each, beginning fourth Monday in February and first Monday in September.

Washington.

**Marion.** In Marion, three terms as follows: two terms of eighteen days each, beginning the third Monday in March and the fourth Monday in November, and one term of twelve days for the trial of criminal and equity causes only, beginning the second Monday in June.

**Larue.** In Larue, two terms of twelve days each, beginning second Monday in April and fourth Monday in September.

**Mercer.** In Mercer, two terms, one beginning fourth Monday in April, and continuing twenty-four days, the other beginning first Monday in November, and continuing eighteen days.

§ 2. This act shall take effect the 9th day of October, 1882.

Approved April 7, 1882.

## CHAPTER 898.

AN ACT to provide for an official stenographer for the courts of Kenton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

**Stenographic reporter to be appointed.** § 1. That the judge of the twelfth judicial circuit shall appoint one stenographic reporter, skilled in his profession, who shall be the official stenographer of the Kenton circuit court, and of the chancery, criminal, and county courts of said county, who shall hold his office for the term of four years, unless sooner removed by said judge for misconduct in office. Said stenographer shall, when appointed, take an oath for the faithful discharge of his duties.

**His duties.** § 2. It shall be the duty of said official stenographer, upon the request of either party to a suit or their attorney, or upon the order of the court, upon the trial of any cause in any of said courts where oral testimony is given, to cause accurate short-hand notes of the testimony to be taken, which notes shall be preserved by the official stenographer. And when a transcription of the testimony is requested by either party or attorney, the official stenographer shall cause the said notes to be accurately transcribed into long-hand, and delivered to the party requesting the same. The fees of the official stenographer for taking such short-hand notes shall be fixed by the court at not exceeding ten dollars per diem, and for transcribing the same, fifteen cents per folio of one hundred words, such fees to be paid forthwith by the party or

**Fees.**

parties at whose request the service is performed; and such fees, when so paid, shall be taxed as a part of the costs of the suit against the losing party.

§ 3. Said official stenographer shall have power to swear witnesses, and to take and certify depositions to be used as evidence in any cause wherein such depositions are taken, in any of the courts of this Commonwealth. Powers of.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 8, 1882.

# CHAPTER 906.

AN ACT to declare void certain patents recorded in the Land Office, and numbered 52,450 to 52,498, inclusive, and to declare void certain indorsements on certain surveys and warrants filed therein.

WHEREAS, E. C. Duff and Henry Johnson did, on the 12th day of May, 1873, obtain from the Perry county court one hundred and fifty warrants, of two hundred acres each, for vacant land in said county, and the same were located and surveyed by the surveyor thereof in three surveys, as follows: one survey for eighteen thousand eight hundred acres, dated April the 27th, 1874; one for seven thousand acres, dated February the 2d, 1875, and one for four thousand two hundred acres, dated February 3d, 1875, plats and certificates of which are now on file in the Register's Office; and whereas, said surveyor did, on the 27th day of August, 1874, survey this same land in tracts of two hundred acres each, plats and certificates of which are now on file in the Land Office; and whereas, all of these surveys were transferred to Wm. Tarr and James M. Thomas, as appears from assignments filed therewith; and whereas, the Register of the Land Office did, on the 22d day of February, 1875, place these small surveys upon the register, in the name of Tarr and Thomas, numbered 52,450, and consecutively thereafter; and whereas, said Register did, on the 10th day of July, 1876, draw up drafts of patents upon said small surveys, but the same were not signed by the Governor; and whereas, forty of said drafts, numbered 52,450 to 52,489, inclusive, were recorded by the Register, and the Governor's name placed at the foot of them on the book, although he had never signed the originals; and whereas, when the Register drew up the drafts, he indorsed Patents declared void.

upon the surveys that patent had issued, and also indorsed across the face of the warrants that they were satisfied; now, therefore, to enable the Register of the Land Office to issue patents to Tarr and Thomas on the said three large surveys as desired by them,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Indorsements declared void.

§ 1. That the said patents, recorded and numbered 52,450 to 52,489, inclusive, be, and the same are, declared void; that the following indorsement, which appears upon all of the two hundred-acre surveys, to-wit:

"Grant issued 10th July, 1876, to Tarr and Thomas, as per assignment filed.

T. D. MARCUM, R. L. O.

"by RICHARD SHARP, D. R.,"

and the following indorsement, which appears upon all of the warrants, to-wit:

"Satisfied.

T. D. MARCUM, R. L. O.

"by RICHARD SHARP, D. R.,"

be, and the same are, declared void.

§ 2. This act to take effect from its passage.

Approved April 8, 1882.

## CHAPTER 912.

AN ACT to amend an act, entitled "An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott," approved February 6, 1874.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Act of February 6, 1874, amended.

§ 1. That an act, entitled "An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott," approved February 6, 1874, be, and the same is hereby, amended so that hereafter it shall be unnecessary for justices of the peace, constables, and police judge to make to the judge of said common pleas court any of the reports required of them by the provisions of "An act to secure the payment into the Treasury of all fines, taxes, and license fees collected by trustees of the jury fund, clerks, and other officers," approved February 23, 1874; and hereafter

it shall be necessary for such officers to report only to the several terms of the circuit courts in their respective counties.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 8, 1882.

#### CHAPTER 914.

AN ACT giving the further time of two years to clerks, ex-clerks, sheriffs, ex-sheriffs, and other collecting officers, in which to collect their fees and uncollected taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the several circuit and county court clerks, sheriffs, and ex-sheriffs, and other collecting officers of this State, are granted the further time of two years, from and after the 10th day of March next, to collect their fees and uncollected taxes, with the same powers of distraint as they have by existing laws, and each of them shall be under the same penalties and liabilities as are now imposed by law for the collection of illegal fees and taxes: *Provided*, That this act shall not apply to any fees that have been due and collectable for over five years: *And provided further*, That such sheriffs shall have made settlement for all State and county taxes due by them.

Time given to clerks, &c., to collect fees.

§ 2. This act shall take effect from and after its passage.

Approved April 8, 1882.

#### CHAPTER 919.

AN ACT to require railroad companies to keep guards at certain crossings of other roads in Kenton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all railroad companies or other corporations, or persons owning or operating a railroad with cars drawn by steam power, in Kenton county, be, and they are hereby, required to keep and maintain a discreet and suitable person as guard at each point where any such road may cross any turnpike road within a distance of ten miles from the city of Covington, unless there shall be at such point a bridge or other

Railroad companies to guard crossings in Kenton county.

structure for the protection of persons and vehicles passing over and along such turnpikes.

Penalty. § 2. That any railroad company or other corporation or person who shall violate the provisions of the first section of this act shall, upon indictment and conviction, be fined not less than fifty nor more than one hundred dollars for each offense; and each failure or neglect to keep and maintain a guard as therein required, at any time when a locomotive or train of cars shall pass such crossing, shall constitute a separate and distinct offense.

§ 3. This act shall take effect from and after its passage.

Approved April 8, 1882

#### CHAPTER 935.

AN ACT to regulate the terms and times of the holding the circuit courts in the fifteenth judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

15th judicial district. § 1. That the time and terms for the holding of the circuit courts in the fifteenth judicial district shall be as follows :

Knox. Knox, second Monday in February and second Monday in August, and continue eighteen juridical days at the spring term, and twelve juridical days at the fall term.

Clay. Clay, first Monday in March and fourth Monday in August, and continue twelve juridical days at each term.

Owsley. Owsley, on the third Monday in March and second Monday in September, and continue six juridical days at each term.

Jackson. Jackson, on the Mondays succeeding the Owsley circuit court, and continue six juridical days at each term.

Laurel. Laurel, on the Mondays succeeding the Jackson circuit court, and continue twelve juridical days at each term.

Whitley. Whitley, on the Mondays succeeding the Laurel circuit court, and continue twelve juridical days at each term.

Bell. Bell, third Monday in May and first Monday in November, and continue twelve juridical days at the spring term, and six juridical days at the fall term.

Harlan. Harlan, on the Mondays succeeding the Bell circuit courts, and continue six juridical days at the spring term, and twelve juridical days at the fall term.

Letcher. Letcher, on the Mondays succeeding the Harlan circuit court, and continue six juridical days at each term.



Perry, on the Mondays succeeding the Letcher circuit court, and continue six juridical days at each term. Perry.

Leslie, on the Mondays succeeding the Perry circuit court, and continue six juridical days at each term of said court, or twelve juridical days, if the business of the court requires. Leslie.

§ 2. This act shall take effect from and after the tenth day of July, eighteen hundred and eighty-two.

Approved April 11, 1882.

## CHAPTER 942

AN ACT to declare Holly creek, in Breathitt and Wolfe counties, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Holly creek, in Breathitt and Wolfe counties, be, and the same is hereby, declared a navigable stream. Holly creek.

§ 2. This act shall take effect from and after its passage.

Approved April 11, 1882.

## CHAPTER 953.

AN ACT to prescribe the mode of condemning land for the use of railroad and turnpike companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That when any railroad company authorized to construct and operate a railroad in this State shall be unable to contract with the owner of any land or material necessary for its use for the purchase thereof, it shall file in the office of the clerk of the county court a particular description of the land and material sought to be condemned, and may apply to the county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon the said court shall appoint three impartial housekeepers of the county, who shall be sworn to faithfully and impartially discharge their duties under this act.

Mode of condemning land and property.

§ 2. It shall be the duty of said commissioners to view the land and material, and to award to the owner or owners the value of the land or material taken, which shall be stated separately; and they shall also award the damages, if any,

Commissioners—duty of.

structure for the protection of persons and vehicles passing over and along such turnpikes.

Penalty. § 2. That any railroad company or other corporation or person who shall violate the provisions of the first section of this act shall, upon indictment and conviction, be fined not less than fifty nor more than one hundred dollars for each offense; and each failure or neglect to keep and maintain a guard as therein required, at any time when a locomotive or train of cars shall pass such crossing, shall constitute a separate and distinct offense.

§ 3. This act shall take effect from and after its passage.

Approved April 8, 1882

#### CHAPTER 935.

AN ACT to regulate the terms and times of the holding the circuit courts in the fifteenth judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

15th judicial district. § 1. That the time and terms for the holding of the circuit courts in the fifteenth judicial district shall be as follows:

Knox. Knox, second Monday in February and second Monday in August, and continue eighteen juridical days at the spring term, and twelve juridical days at the fall term.

Clay. Clay, first Monday in March and fourth Monday in August, and continue twelve juridical days at each term.

Owsley. Owsley, on the third Monday in March and second Monday in September, and continue six juridical days at each term.

Jackson. Jackson, on the Mondays succeeding the Owsley circuit court, and continue six juridical days at each term.

Laurel. Laurel, on the Mondays succeeding the Jackson circuit court, and continue twelve juridical days at each term.

Whitley. Whitley, on the Mondays succeeding the Laurel circuit court, and continue twelve juridical days at each term.

Bell. Bell, third Monday in May and first Monday in November, and continue twelve juridical days at the spring term, and six juridical days at the fall term.

Harlan. Harlan, on the Mondays succeeding the Bell circuit courts, and continue six juridical days at the spring term, and twelve juridical days at the fall term.

Letcher. Letcher, on the Mondays succeeding the Harlan circuit court, and continue six juridical days at each term.

Perry, on the Mondays succeeding the Letcher circuit court, and continue six juridical days at each term. Perry.

Leslie, on the Mondays succeeding the Perry circuit court, and continue six juridical days at each term of said court, or twelve juridical days, if the business of the court requires. Leslie.

§ 2. This act shall take effect from and after the tenth day of July, eighteen hundred and eighty-two.

Approved April 11, 1882.

## CHAPTER 942

AN ACT to declare Holly creek, in Breathitt and Wolfe counties, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Holly creek, in Breathitt and Wolfe counties, be, and the same is hereby, declared a navigable stream. Holly creek.

§ 2. This act shall take effect from and after its passage.

Approved April 11, 1882.

## CHAPTER 953.

AN ACT to prescribe the mode of condemning land for the use of railroad and turnpike companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That when any railroad company authorized to construct and operate a railroad in this State shall be unable to contract with the owner of any land or material necessary for its use for the purchase thereof, it shall file in the office of the clerk of the county court a particular description of the land and material sought to be condemned, and may apply to the county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon the said court shall appoint three impartial house-keepers of the county, who shall be sworn to faithfully and impartially discharge their duties under this act. Mode of condemning land and property.

§ 2. It shall be the duty of said commissioners to view the land and material, and to award to the owner or owners the value of the land or material taken, which shall be stated separately; and they shall also award the damages, if any, Commissioners—duty of.

resulting to the adjacent lands of the owner, considering the purposes for which it is taken; but shall deduct from such incidental damages the value, if any, of the advantages and benefits that will accrue to such adjacent lands from the construction and prudent operation of the railroad proposed to be constructed. They shall return a report in writing to the office of the clerk of said court stating their award, and shall describe in their report the land and material condemned, give the names of the owners, and whether non-residents of the State, infants, of unsound mind, or married women.

Report

§ 3. Upon the application of said company, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owners to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court.

Process to issue.

§ 4. At the first regular term of the county court, after the owners shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this act, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report as against the owners not excepting.

When report to be confirmed.

§ 5. When exceptions shall be filed by either party, the court shall forthwith cause a jury to be empaneled to try the issues of fact made by the exceptions. In assessing the damages, the jury shall be governed by the rule prescribed in the second section of this act; and, upon the request of either party, may be sent by the court, in charge of the sheriff, to view the land or material. If sufficient cause be not shown for setting aside the verdict, the court shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title upon the payment or tender of the damages assessed.

Jury.

§ 6. Either party may appeal to the circuit court, or other court of similar jurisdiction of the county, within thirty days, and the appeal shall be tried *de novo*.

Appeal.

§ 7. Upon the confirmation of the report of the commissioners by the county court, or the assessment of damages by said court as herein provided, and the payment or tender to

When possession to be taken.

the owners of the amount due as shown by the report of the commissioners when confirmed, or as shown by the judgment of the county court when the damages are assessed by said court, and all costs adjudged to the owner, the railroad company shall be entitled to take possession of said land or material, and to use and control the same for the purposes for which it was condemned, as fully as if the title had been conveyed to it. But when an appeal shall be taken from the judgment of the county court by the railroad company, it shall not be entitled to take possession of the land or material condemned, unless it shall execute to the owner a bond, with surety, to be approved by the county court, in double the amount of the damages assessed, conditioned to perform the judgment of said court and of any court to which the case may thereafter be appealed, which bond shall be filed with the papers in the case.

Appeal bond.

§ 8. The appeal from the county court shall be taken by filing with the clerk of the court to which the appeal lies a statement of the parties to the appeal, and a transcript of the orders of the county court, and thereupon the said clerk shall certify to the clerk of the county court that said appeal has been filed, and the clerk of the county court shall immediately transfer the original papers to the clerk of the court in which the appeal is pending.

Appeal—how taken.

§ 9. All acts or parts of acts in conflict with this act are hereby repealed, including such special acts as may be passed at the present session of the General Assembly.

§ 10. The provisions of this act shall apply likewise to condemnation of lands for turnpike road purposes.

Turnpikes.

§ 11. This act shall take effect from its passage.

Approved April 11, 1882.

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## CHAPTER 956.

AN ACT to give the consent of the State of Kentucky to the procurement by the United States of lands in the city of Frankfort, for the purpose of erecting a public building, and ceding jurisdiction over the same.

WHEREAS, There has been passed by the Senate of the United States a bill for a public building at Frankfort, Kentucky, which is as follows, to-wit:

Preamble.

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the*

Act of Congress.

Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise procure a site, which shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys, and cause to be erected thereon, at the city of Frankfort, in the State of Kentucky, a substantial and commodious public building, with fire-proof vaults, for the use of the Federal courts, the post-office and internal revenue, and other government offices located there; the plans and estimates for said building having first been prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States; said plans to be based upon calculations and specifications that will insure the purchase of a site and the completion of the building at a cost not to exceed the sum of one hundred thousand dollars, which said sum is hereby appropriated for the purposes herein named out of any money in the Treasury not otherwise appropriated: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected shall be vested in the United States, nor until the State of Kentucky shall have ceded to the United States jurisdiction over the same for all purposes, during the time the Government shall be or remain the owner thereof, except to enforce the criminal laws of the State and for the service of civil process therein;" and the same is now pending in the House of Representatives of the United States, and the same, with such amendments as may be made thereto, if any, is likely to become a law; now, for the purpose of facilitating the object of said bill,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Jurisdiction  
ceded to U. S.  
for, &c.

§ 1. That the consent of the State of Kentucky is hereby given to the procurement by the United States of America, by purchase or otherwise, of any lands lying in the city of Frankfort, Kentucky, for the purpose of erecting thereon a building or buildings for the use of the Federal courts, the post-office, internal revenue offices, or any other government offices located, or which may be located, there. And jurisdiction is hereby ceded to the United States over any lands so procured for all purposes during the time said government shall be or remain the owner thereof, except to enforce the

criminal laws of this State and for the service of civil process therein.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 11, 1882.

# CHAPTER 961.

AN ACT to amend article seventh of chapter 28 of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That when it becomes necessary to elect a special judge under section first of article 7th of chapter 28 of the General Statutes, the judge so elected shall preside in all cases called during such term in the absence of the regular judge, and in all cases in which the regular judge cannot properly preside, except in those cases in which it is improper for said special judge to preside.

Special judges,  
General Statutes,  
chapter 28, article  
7, amended.

§ 2. The special judge shall be paid for any services as such unless he is engaged at least one day therein, nor unless the period of service shall be certified by an order of court, made by the regular judge, from his own knowledge, or proof made thereof in open court; and said order shall be certified to the Auditor of Public Accounts, who shall draw his warrant on the Treasury therefor, at the rate of seven dollars per day.

How paid.

§ 3. All provisions of article seventh of chapter 28 of the General Statutes, inconsistent with this act, are repealed.

§ 4. This act shall take effect and be in force from its passage.

Approved April 15, 1882.

# CHAPTER 971.

AN ACT to repeal section 4 of "An act to regulate appellate jurisdiction of courts of this Commonwealth," approved May 5, 1880, so far as it applies to Madison, Clark, and Lewis counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 4 of chapter 1525, volume 1, act of 1879, so far as it applies to the counties of Madison, Clark, and Lewis, is hereby repealed.

Act of May 5,  
1880, amended.

Appeals.

§ 2. That in said court appeals shall lie to the quarterly court of the counties from all orders and judgments of police courts, city courts, mayors' courts, and courts of justices of the peace, in civil cases, as provided in section 1, article 24, chapter 28, of the General Statutes.

§ 3. This act shall take effect from its passage.

Approved April 15, 1882.

## CHAPTER 976.

AN ACT to amend an act, entitled "An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott," approved February 6th, 1874, so as to include the county of Jessamine.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Act creating  
common pleas  
court of Fayette,  
&c., amended.

§ 1. That an act, entitled "An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott," approved February 6th, 1874, be, and the same is hereby, amended by adding thereto the county of Jessamine.

Jessamine coun-  
ty.

§ 2. That the terms of said common pleas court, in said county of Jessamine, shall commence on the third Monday in May and October of each year, and continue each term twelve juridical days, if the business requires it.

§ 3. That this act is to take effect on and after July 1st, 1882.

Approved April 15, 1882.

## CHAPTER 982.

AN ACT fixing the time and terms of the courts in the sixteenth judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

16th judicial dis-  
trict.

§ 1. That the circuit courts of the sixteenth judicial district shall commence at the times, and be held for the number of juridical days hereinafter named:

Carter.

Carter county, on the first Mondays of February, and the Tuesdays after the first Mondays in August in each year, and continue eighteen days in February, and seventeen days in August.



Johnson county, the fourth Mondays of February and August, and continue each six days. Johnson.

Pike county, the first Mondays of March and September, and continue each twelve days. Pike.

Floyd county, the third Mondays of March and September, and continue each eighteen days. Floyd.

Magoffin county, the Mondays succeeding the termination of the Floyd circuit courts, and continue each eight days. Magoffin.

Boyd county, the Mondays succeeding the termination of the Magoffin circuit courts, and continue each eighteen days. Boyd.

Martin county, the Mondays succeeding the termination of the Boyd circuit courts, and continue each eight days. Martin.

Lawrence county, the Mondays succeeding the termination of the Martin circuit courts, and continue each twenty-four days. Lawrence.

§ 2. This act shall take effect August 1st, 1882.

Approved April 15, 1882.

## CHAPTER 989.

AN ACT to apportion the State into eleven Congressional districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the State of Kentucky is hereby laid off into eleven Congressional districts, composed as follows, to-wit: Congressional districts.

The First district shall be composed of the counties of Fulton, Hickman, Graves, Ballard, McCracken, Marshall, Callo-way, Trigg, Lyon, Livingston, Crittenden, and Caldwell. 1st. district.

The Second district shall be composed of the counties of Christian, Hopkins, Webster, Union, Henderson, McLean, Daviess, and Hancock. 2d. district.

The Third district shall be composed of the counties of Muhlenburg, Todd, Logan, Butler, Edmonson, Warren, Simpson, Allen, Monroe, Cumberland, and Clinton. 3d. district.

The Fourth district shall be composed of the counties of Ohio, Grayson, Breckinridge, Meade, Hardin, Bullitt, Nelson, Larue, Marion, and Washington. 4th. district.

The Fifth district shall be composed of the county of Jefferson. 5th. district.

The Sixth district shall be composed of the counties of Trimble, Carroll, Gallatin, Grant, Boone, Kenton, Campbell, and Pendleton. 6th. district.

7th district. The Seventh district shall be composed of the counties of Oldham, Henry, Owen, Franklin, Scott, Harrison, Bourbon, Fayette, and Woodford.

8th district. The Eighth district shall be composed of the counties of Shelby, Spencer, Anderson, Mercer, Boyle, Lincoln, Garrard, Jessamine, Madison, Rockcastle, Jackson, Owsley, and Laurel.

9th district. The Ninth district shall be composed of the counties of Bracken, Mason, Robertson, Nicholas, Fleming, Bath, Rowan, Lewis, Greenup, Carter, Boyd, Lawrence, Johnson, and Martin.

10th district. The Tenth district shall be composed of the counties of Pike, Letcher, Floyd, Magoffin, Morgan, Elliott, Menifee, Wolfe, Powell, Montgomery, Clark, Estill, Lee, Breathitt, Perry, Clay, Leslie, Knox, Bell, and Harlan.

11th district. The Eleventh district shall be composed of the counties of Whitley, Wayne, Pulaski, Casey, Russell, Adair, Taylor, Green, Metcalfe, Barren, and Hart.

§ 2. This act shall take effect from its passage.

Approved April 15, 1882.

## CHAPTER 991.

AN ACT to amend chapter 14, title 10, of the Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Chap. 14, title 10  
of Code of Prac-  
tice, amended.

§ 1. That when lands are held in trust by one person for the life of another, with remainder over to a class of persons, or to any person not ascertained or to be ascertained until the death of the person upon whose life such estate for life is made to depend, or with power on the part of such person for whose life such life estate is held by the trustee, to dispose by a last will and testament, or by an instrument in the nature of a last will and testament, it shall be competent for the circuit courts or courts of like jurisdiction in the county in which such land or a part thereof is situate, in an action to which all persons having a present or vested interest in such land are parties, to direct the trustee to either sell or mortgage such land; but in all action it must be averred and proven to the court that such sale or mortgage would be beneficial to all the parties concerned, and facts showing such benefits must be alleged and proven. Any deed or mortgage

executed under authority, or in pursuance of any judgment rendered in any such action, shall be held and construed and have the same effect as if executed by every person having a vested or contingent interest in or ownership of such land, and as if executed by all persons and classes who could take under the limitations or provisions of said deed, or as devisees under the exercise of such power to devise or appoint, and as if every claimant, present or future, under such deed or power, was under no disability whatever. The proceeds of the sales authorized by this section shall be paid into court, and shall be reinvested by the court after first having, by appropriate order, provided for the payment of the costs and taxes, if any, in other property to be conveyed and held subject to the same limitations and trusts as the land sold was held. The proceeds of all mortgages of such lands as are mentioned in this section shall be paid into court, and shall be appropriated under the order of the court in the construction of permanent improvements on the land mortgaged. But before appropriating such money in the construction of such improvements, the court shall provide for the payment of all unpaid taxes on said land, and the costs of the action. The court shall require the life-tenant, out of the rents, to pay the taxes and insurance on such improvements, and the residue of the rents to be paid into court for disposition by the court until such mortgage debts is fully paid off; and such court may provide for semi-annual reports to be made by such life-tenant; and in the event of the disobedience of any order of such court by such life-tenant, it shall be the duty of the court to appoint a receiver, who shall take possession of such land and hold the same as the court may direct, and collect and receive all the rents and profits of such land, and pay the same into court for such disposition thereof as the court may make.

§ 2. *Provided*, That the provisions of this act shall only apply to land and property held in the city of Louisville by Claudius Duvall and wife, as described in the section first of this act.

Only applies to  
land in city of  
Louisville, &c.

§ 3. This act shall be in force from its passage.

Approved April 15, 1882.

## CHAPTER 1033.

AN ACT authorizing the appointment of one or more short-hand reporters as deputy commissioners of the Louisville chancery court and vice chancellor's court to take, and regulating the taking of, depositions to be used in said courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Short-hand reporter.

§ 1. It shall be lawful for, and upon the written request of the majority of the practicing attorneys of the Louisville chancery court the duty of, the commissioner of said court to appoint as deputy commissioner or commissioners one or more competent short-hand reporters, who shall take in short-hand, and within a reasonable time thereafter transcribe, the depositions of witnesses testifying before them; and should said commissioner fail, in one month after such request, to so appoint a deputy, the chancellor shall, upon like request made to him, appoint such deputy.

Deputy.

§ 2. Such deputy shall, within a reasonable time after the taking of depositions, make a true and accurate transcript thereof, which shall be read to and subscribed by the witness in the presence of said deputy, unless such signing or reading, or both, be dispensed with by the agreement of parties or their attorneys; and said deputy, in his certificate, shall state that the deposition is a true and accurate transcript of his stenographic notes.

Applies only to city of Louisville.

§ 3. That all depositions taken in the county of Jefferson, to be used in the Louisville chancery court and vice chancellor's court, in cases which have been referred to the commissioner, shall be taken before the said commissioner or his deputy, unless otherwise ordered by the court: *Provided*, The provisions of this act shall not apply to the county of Jefferson outside of the limits of the city of Louisville.

§ 4. All laws or parts of laws in conflict are hereby repealed.

§ 5. This act shall take effect from and after its passage, but the provisions thereof shall not apply to cases in which either of the litigants or their attorneys are non-residents of the city of Louisville.

Approved April 15, 1882.

CHAPTER 1053.

AN ACT to amend section 2 of chapter 55 of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 2 of chapter 55 of the General Statutes be amended as follows: "If any cattle shall enter into any grounds owned or occupied by another, inclosed by an ordinary fence, the owner or manager of the cattle shall, for the first breach, be liable to the owner or occupant of such ground for such damages as he may have sustained thereby; and for any subsequent breach or breaches of cattle, a like liability; and if the occupant of said inclosed lands shall have given the owner or manager of said cattle five days' notice prior to any subsequent breach, any and all judgments recovered by the owner or occupant of said lands against the owner or manager of the cattle for breaches committed subsequent to the said notice, the cattle committing the breach shall be liable for the amount of said judgment or judgments, and may be taken and sold by the sheriff of the county, or by any other officer having jurisdiction, as other property under execution, for enough to pay and satisfy any and all judgments recovered against the owner or manager of said cattle for breaches subsequent to giving said notice."

General Statutes,  
chap. 55, section  
5, amended.

§ 2. This act repeals all acts in conflict herewith.

§ 3. This act shall be in force from its passage, and shall only apply to the county of Anderson.

Applies only to  
Anderson co.

Approved April 15, 1882.

CHAPTER 1063.

AN ACT, to provide for the distribution of the deposit of the Piedmont and Arlington Life Insurance Company, of Richmond, Virginia, among the claimants and policy-holders.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Attorney General of this Commonwealth be, and is hereby, authorized and directed to institute suit in the name of the State, for and on behalf of the policy-holders and claimants, who are citizens of this State, of the Piedmont and Arlington Life Insurance Company, of Richmond, Virginia, against said company and its receiver, to secure the

Suit for distribu-  
tion authorized.

distribution among them of said company's deposit in this State, now held by J. W. Tate, Treasurer of this Commonwealth, for their benefit, under the retaliatory clause of the general insurance laws of this Commonwealth.

Jurisdiction.

§ 2. This suit shall be instituted in the court of common pleas of Franklin county, the term of which shall begin within not less than ten days after the passage of this act, and such policy-holders and claimants as may desire shall be joined as plaintiffs in said action, and the remaining policy-holders and claimants, known and unknown, at the time of filing this suit, together with the said company and its receiver, may be joined as defendants in said action.

Duty of Attorney General.

§ 3. The State shall only be made a party to this action to the extent necessary to enable the Treasurer, J. W. Tate, to pay into court, for distribution, the fund now held by him belonging to the said company, and shall not be liable for any costs arising from said action. It is made the duty of the Attorney General under this act to represent the policy-holders and claimants, and he shall be the legal adviser of the commissioner hereinafter appointed, and shall be entitled to reasonable compensation, to be allowed him out of this fund, and approved by the court.

Of Insurance Commissioner.

§ 4. It shall be the duty of the Insurance Commissioner of the State of Kentucky to receive and disburse said fund under the order of the court among those entitled under its judgment to share in the said distribution, and to make, or cause to be done in his department, such actuarial work and labor incidental to the equitable distribution of said fund as may become necessary: *Provided, however,* That neither the Commissioner or his deputy, or other employe of his department, shall receive any compensation whatever for such work and labor done, but the court may allow to said department such actual expense as may be incurred in procuring such information as may be essential to a final and speedy settlement and distribution of the fund.

Bond.

§ 5. No other bond than that heretofore given by the Insurance Commissioner shall be required of him for the faithful discharge of his duties under this act; but the fund herein to be distributed shall be under the order of the court, deposited in such bank in the city of Frankfort as shall be designated by the Commissioner, and shall only be paid out on the check

of said Commissioner, signed by himself and the clerk of the Franklin circuit court.

§ 6. It shall be the duty of the Commissioner to report to the court, at the term succeeding that in which the said suit shall be filed, all such information as to the nature, amount, and character of the claims of the various policy-holders and claimants of said company in this State as will assist in rendering a speedy and equitable judgment in the case. To report.

§ 7. Notice shall be given by the clerk of the court, and furnished to each of the policy-holders and claimants by the Commissioner, whose address is known to him, and may be published in some newspaper of general circulation in this Commonwealth of the pendency of the action, stating the court and the term, and giving reasonable time and notice to each and every policy-holder and claimant to file and prove his claim. Notice—how given.

§ 8. This act to take effect from its passage.

Approved April 15, 1882.

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## CHAPTER 1078.

AN ACT to increase the jurisdiction of the quarterly court of Butler county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the quarterly court of Butler county shall have original jurisdiction, concurrent with the circuit court of said county, of all civil actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interest and cost, does not exceed four hundred dollars: *Provided, however,* That this act shall not apply to actions involving real estate, nor over any matter for injury to person or character. Quarterly court of Butler county.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1882.

CHAPTER 1082.

AN ACT to authorize incorporated companies to give to one class of capital stock a preference in the distribution of profits and assets over another class of such capital stock.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporations, stock of preference, &c.

§ 1. That it shall be lawful for any railroad company, mining company, manufacturing company, or other incorporated company organized and existing under any charter from the General Assembly of Kentucky, or organized and existing under any general law of incorporation of this State, or which may hereafter be organized and exist under either such charter or such general law, to give to its capital stock already issued a preference in the distribution of the profits and assets of such corporation over any other class of the capital stock of such corporation not then issued or sold, but to be thereafter issued.

Preference—how given.

§ 2. Such preference may be given in the following manner (and not otherwise): Such corporation shall, at a regular meeting of its board of directors and stockholders, adopt a resolution providing for such preference, which resolution shall include in its provisions all of the capital stock of said company then issued, and state the amount thereof, and state the limit of the dividends to be paid on such preferred stock. Such resolution shall also state the amount of the capital stock of such company to be issued as non-preferred stock.

Resolution, &c.

§ 3. Such resolution shall be adopted and recorded in the books of said company in which the minutes or proceedings thereof are recorded, and shall, when recorded, be duly attested by the president and secretary of said corporation.

Not to be modified.

§ 4. Such resolution, after is so adopted and recorded and attested, shall not in any manner be so modified or changed as to affect the rights of any holder of the said stock without the written consent of such holder.

Stock issued shall show, &c.

§ 5. Each share of stock issued at any time in pursuance of such resolution shall have written upon its face, or upon the back thereof, or printed upon its face, or upon the back thereof, a true copy of said resolution and attestation, and shall also show upon its face whether it is preferred or non-preferred stock.

§ 6. Such resolution shall at all times be subject to the



inspection of any holder of a share of such stock or of any stockholder in such company. Inspection.

§ 7. This act shall take effect from its passage, but shall not be construed to repeal or modify any special powers heretofore granted to any corporation in any charter from the General Assembly of this State.

Approved April 15, 1882.

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CHAPTER 1108.

AN ACT to amend article 8th of chapter 28 of the General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That when it becomes necessary to elect a special judge under section 1st of article 7th of chapter 28 of the General Statutes, the judge so elected shall preside in all cases called during such term in the absence of the regular judge, and in all cases in which the regular judge cannot properly preside, except in those cases in which it is improper for said special judge to preside.

General Statutes,  
chapter 28, arti-  
cle 8, amended.

§ 2. No special judge shall be paid for any services as such unless he is engaged at least one day therein, nor unless the period of service shall be certified by an order of court, made by the regular judge from his own knowledge, or proof made thereof in open court, and said order shall be certified to the Auditor of Public Accounts, who shall draw his warrant on the Treasury therefor, at the rate of seven dollars per day.

§ 3. All provisions of article 7th of chapter 28 of the General Statutes inconsistent with this act are repealed.

§ 4. This act shall take effect and be in force from its passage.

Approved April 17, 1882.

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CHAPTER 1114.

AN ACT to repeal an act, entitled "An act to regulate proceedings in common law cases in the courts of the twelfth judicial district," approved March 29th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to regulate the proceed-

Act of March 29,  
1880, repealed.

ings in common law cases in the courts of the twelfth judicial district," approved March 29th, 1880, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved April 17, 1882.

#### CHAPTER 1126.

AN ACT providing compensation for circuit court clerks in Commonwealth cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Circuit court  
clerks' compen-  
sation.

§ 1. That the circuit court clerks of this Commonwealth shall be entitled to and receive as compensation for their services in Commonwealth cases ten per cent. of all fines and forfeitures which may be hereafter paid by virtue of any judgment rendered in favor of the Commonwealth of Kentucky in their respective courts: *Provided*, No clerk in this Commonwealth shall receive more than \$750 per annum under the provisions of this act. Any sum which any clerk may receive over and above this amount shall be paid by said clerk into the State Treasury, and he shall be liable on his official bond for any such surplus.

§ 2. This act shall be in force from and after its passage.

Approved April 19, 1882.

#### CHAPTER 1128.

AN ACT to amend chapter 73, General Statutes, title "Lunatic Asylums."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Gen. Stat., chap.  
73, amended.

Lunatic asylums.

§ 1. That subsection 6 of section 10, chapter 73, General Statutes, title "Lunatic Asylums," be, and the same is hereby, amended in this, to-wit: that the board of directors of each of the three lunatic asylums shall fix the compensation of the steward of such asylum at a salary not exceeding eleven hundred dollars per year: *Provided, however*, That such salary shall be paid, as now provided, out of the per capita allowance annually made to each asylum.

§ 2. That the steward of the Institution for the Education of Feeble-minded Children shall receive one thousand dollars per annum for his services, without board or rooms, to be paid out of the appropriations made by the State to said Institution.

§ 3. This act shall take effect from its passage.

Approved April 19, 1882.

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CHAPTER 1139.

AN ACT to amend an act, entitled "An act to prescribe the mode of ascertaining the value of property of railroad companies for taxation, and for taxing the same," approved April 3, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Board of Railroad Commissioners appointed under an act, entitled "An act to prevent extortion and discrimination in the transportation of freight and passengers by railroad corporations, and in aid of that purpose to establish a Board of Railroad Commissioners, and define its powers and duties," approved April 6th, 1882, shall perform all the powers and duties conferred upon the Board of Equalization by the act to which this is an amendment.

Board of Railroad Commissioners—duties extended.

§ 2. This act shall take effect from and after its passage.

Approved April 19, 1882.

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CHAPTER 1143.

AN ACT to authorize the transfer of cases from the Pendleton circuit court to the Pendleton chancery court, and their trial in the latter court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the judge of the Pendleton circuit court and the chancellor of the Pendleton chancery court, on or before the 1st of September, 1882, shall meet in the office of the clerk of said court, and by their joint order, directed to said clerk, cause to be transferred from the former to the latter named court so many and such cases then pending in the former court as, in their judgment, can be properly tried in the latter court, and as may be necessary to the relief of litigants and the dispatch of business in the said circuit court; and

Causes to be transferred.

said transfer may be made in like manner subsequent to September 1st, 1882, whenever and as often as said judge may think necessary.

§ 2. That when transferred, the same proceedings shall be had in said causes as in the circuit court until finally disposed of; and for that purpose said court shall have power to empanel a jury, and to issue all process, make all orders, and take all steps necessary and proper.

§ 3. That this act shall take effect from its passage.

Approved April 19, 1882.

#### CHAPTER 1166.

AN ACT to amend an act, entitled "An act to amend section 29, chapter 94, General Statutes," approved March 27th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Act of March 27,  
1880, applied to  
Davies county.

§ 1. That an act approved March 27, 1880, entitled "An act to amend section 29, chapter 94, General Statutes," be, and the same is hereby, amended by extending the provisions of said act to the county of Davies.

§ 2. This act to take effect ten days after its passage.

Approved April 19, 1882.

#### CHAPTER 1169.

AN ACT to provide for the inclosure of the burial ground for Penitentiary convicts, and to cause the gullies in said grounds to be filled.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Burial grounds of  
penitentiary.

§ 1. That the Commissioners of the Sinking Fund be, and they are hereby, authorized and directed to cause to be constructed around the burial grounds of the Penitentiary a stone wall, and to cause the gullies in said burial grounds to be filled with dirt or stone: *Provided*, That the costs of same shall not exceed the sum of three hundred dollars.

Commissioners  
so report, &c.

§ 2. The said Commissioners shall, after the completion of said work, report to the Auditor the costs of the same, and he shall, upon their order, draw his warrant on the Treasurer in favor of the contractor for said amount.

§ 3. This act shall take effect from its passage.

Approved April 19, 1882.

CHAPTER 1170.

AN ACT to amend an act, entitled "An act to amend section 30, article 1, chapter 94, General Statutes, title 'Roads,'" approved March 8th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, approved March 8, 1880, entitled "An act to amend section 30, article 1, chapter 94, General Statutes, title 'Public Roads,'" be, and the same is hereby, amended by extending the provisions of said act to the county of Daviess.

Extended to Daviess county.

§ 2. This act to take effect ten days after its approval.

Approved April 19, 1882.

CHAPTER 1184.

AN ACT to provide for the assessment and collection of a tax upon distilled spirits.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. There shall be levied and collected upon all distilled spirits in this State the same rate of taxation that is imposed on other property by the laws of this State for State and county purposes.

Distilled spirits to be taxed.

§ 2. That for the purpose of such assessment and collection it shall be, and is hereby, made the duty of each distiller, and of every owner or proprietor of a bonded or other warehouse in which distilled spirits are stored, and of every person or corporation having custody of such spirits, to make report to the Auditor of Public Accounts on, or as of date, the first day of June and the first day of October in each and every year, of all the distilled spirits received or deposited prior to those dates in each year, and held on said first days of June and October; and the tax for the ensuing year from such first day of June and October shall be levied and paid on the amount of distilled spirits so reported, as representing the taxable distilled spirits for such year: *Provided, however,* That the same whisky shall not be twice taxed for the same year.

Duty of distiller and owners, &c., to report.

§ 3. That the said reports shall be, by the Auditor of Public Accounts, submitted to a board of valuation and assessment, composed of the Auditor of Public Accounts, the

Reports to be submitted to board.

Treasurer of the State, and the Secretary of State, who are hereby constituted such board, and said board shall fix the values for purposes of taxation under this act, and assess the same accordingly.

Monthly reports. § 4. That it shall be the duty of the distiller, owner, or custodian, as hereinbefore indicated and described, to make monthly reports (between the first and fifth days of each month), showing all the deliveries during the preceding current month from his custody or care of any part of the distilled spirits so reported. Such delivery reports shall be made to the Auditor of Public Accounts, and shall, in each instance, be accompanied by a remittance and payment of the tax upon such delivered spirits, which said tax shall be, by the Auditor, turned into the public Treasury.

Penalty for violating, &c. § 5. That no distiller, owner, or custodian of such distilled spirits shall permit the same to go from his possession or control without the report and payment of tax hereinbefore provided for; and any person or persons or corporation violating the provisions of this section shall be proceeded against by the Auditor of Public Accounts, in the name of the State, by distraint, for the entire amount of taxes assessed as of the preceding first day of June and October, and thereupon all such taxes shall become and be immediately due and collectable by distraint, together with all costs attending the proceeding, and a further penalty of twenty-five dollars for each such violation.

False report a misdemeanor. § 6. That any person or corporation making any false report or return as to or of the matters herein provided for, shall be deemed guilty of a misdemeanor, and subject to indictment therefor, and, upon indictment and conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense.

Shall exhibit on oath, &c. § 7. That it shall be the duty of all distillers, warehousemen, and others, to exhibit all necessary information on oath, if required, to the Auditor of Public Accounts or his agents; and a failure so to do, upon demand made, shall be deemed a misdemeanor, and subject to indictment; and, upon indictment and conviction, shall subject the offender to a fine of not less than fifty dollars nor more than five hundred dollars.

Lien. § 8. Any warehouseman, custodian, or agent paying the tax on distilled spirits herein provided for, shall have a lien upon the distilled spirits covered by such tax.

§ 9. The reports and returns prescribed by this act shall, as far as possible, describe the distilled spirits by name, serial numbers, dates, and other convenient identification.

§ 10. It shall be the duty of the Auditor of Public Accounts Forms. to devise and prescribe such forms and blanks for reports and returns as may be needed or useful for the carrying out the provisions of this act.

§ 11. That for the purpose of carrying out the provisions of this act, the Auditor of Public Accounts is hereby authorized to employ an additional clerk, at a salary not exceeding (\$1,000) one thousand dollars per annum, to be paid out of the public Treasury. Additional clerk.

§ 12. That all laws and parts of laws inconsistent herewith are hereby repealed.

Approved April 21, 1882.

#### CHAPTER 1191.

AN ACT to regulate and fix a standard for the measurement of saw-logs, timber, boards, and lumber in part of this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the rule known as the Doyle rule, as now published in Scribner's Lumber and Log-Book, and the stick or yard used under said rule for the measurement of saw-logs, timber, boards, and lumber, be, and the same is hereby made and declared to be, the lawful and standard rule for the measurement of all saw-logs, timber, boards, or lumber bought or sold in this Commonwealth. Doyle's rule adopted.

§ 2. That all laws and parts of laws or customs in conflict with the provisions of this act are hereby repealed, and declared of no effect. The provisions of this act shall only apply to the Licking river and tributaries. Applies only to Licking river.

§ 3. This act to take effect and be in force from and after its passage; but not to affect contracts wherein a different rule of measurement is agreed on.

Approved April 21, 1882.

## CHAPTER 1203.

AN ACT to amend an act, entitled "An act fixing the time of holding county courts in Larue county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Larue county  
court.

§ 1. That an act, entitled "An act to fix the time of holding the county courts in Larue county," be, and the same is hereby, amended by striking out all the words between the word "except" and the word "said," where it occurs next thereafter, and inserting in lieu thereof the words, "the month of September, in which last named month."

§ 2. This act shall take effect from its passage.

Approved April 21, 1882.

## CHAPTER 1214.

AN ACT to repeal chapter 941 of the Acts of 1879, entitled "An act to regulate the fees and salaries of certain officers."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Act of April 9,  
1880, repealed.

§ 1. Whereas, the act approved April 9th, 1880, entitled "An act to regulate the fees and salaries of certain officers," published in chapter 941, volume 1, of the acts of 1879, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved April 21, 1882.

## CHAPTER 1236.

AN ACT to provide for an increase in the clerical force of the Auditor's office.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

\$2,000 appropri-  
ated to, &c.

§ 1. That out of any funds not otherwise appropriated, the sum of two thousand dollars (\$2,000) is hereby set apart for the purpose of increasing the clerical force in the Auditor's office: *Provided*, That only so much of the aforementioned sum shall be drawn from the Treasury as is actually expended in payment of clerks in said office, to be shown by vouchers, as in other cases.

§ 2. This act shall take effect from and after its passage.

Approved April 22, 1882.



CHAPTER 1237.

AN ACT to regulate proceedings in the Hardin quarterly court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Appeals from all final orders and judgments of police courts, justices' courts, and courts of similar jurisdiction, in Hardin county, in civil cases, may be taken to the quarterly court of said county when the amount in controversy, exclusive of interest and costs, is as much as ten dollars, and does not exceed one hundred dollars.

Appeals to quarterly court of Hardin county.

§ 2. The judge of said court is hereby authorized to tax an attorney's fee of two dollars and fifty cents in each case in said court where the amount in controversy exceeds fifty dollars, and a licensed attorney is employed.

Attorney's fee.

§ 3. No judge of said court shall prepare any pleadings to be filed or used in the quarterly or county courts of his own county, nor shall he practice as attorney at law in any court of his own county having jurisdiction inferior to either of the courts aforesaid.

Judge shall not prepare pleadings, nor, &c.

§ 4. All laws in conflict herewith are hereby repealed.

§ 5. This law to be in force from and after its passage.

Approved April 22, 1882.

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CHAPTER 1245.

AN ACT to amend an act, entitled "An act regulating advertising of real estate under execution, sales for State and county taxes, sales under decrees and judgments, and regulating the compensation therefor," approved March 16, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act regulating advertising of real estate under execution, sales for State and county taxes, sales under decrees and judgments, and regulating the compensation therefor," approved March 16, 1880, be amended, in first section, by striking out after the word county "for three weeks," and inserting "for two weeks."

Act of March 16, 1880, amended.

§ 2. This act to take effect from its passage.

Approved April 22, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 1280.

AN ACT to assign rooms for the use of certain public officers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Rooms assigned  
to public officers.

§ 1. That the two rooms on the second floor of the new Capitol building, on the north side thereof, now occupied by the Kentucky Geological Survey, be, and the same are, assigned for the use of the Register of the Land Office; that the northeast and southeast rooms in the same building, on the same floor, be, and the same are, assigned for the use of the Director of the Kentucky Geological Survey and Commissioner of Bureau of Immigration; that the room in the old building west of the Capitol, now occupied by the Commissioner of Agriculture, be, and the same is, assigned for the use of the Secretary of State; that the two rooms in said old building, now occupied by the Register of the Land Office, be, and the same are, assigned for the use of the Commissioner of Agriculture.

Librarian to furnish.

§ 2. That the State Librarian be, and is hereby, directed to have each of said rooms repaired and furnished in a manner suited to the several purposes for which they are intended.

§ 3. That the porter who waits upon the State Geologist shall also serve the Register of the Land Office.

§ 4. This act shall take effect from and after its passage.

Approved April 22, 1882.

## CHAPTER 1297.

AN ACT declaring Buffalo creek, in Owsley county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Buffalo creek.

§ 1. That Buffalo creek, in Owsley county, Kentucky, is hereby declared a navigable stream from its mouth to the mouth of the Rock House fork of the right-hand fork of said creek.

§ 2. This act shall be in force from and after its passage.

Approved April 22, 1882.

CHAPTER 1304.

AN ACT to amend an act, entitled "An act to amend the revenue laws," approved May 6, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in all cases where lands have been purchased by the State for taxes which were assessed in 1872, and prior thereto, the State, as to said taxes, hereby relinquishes all claim, and the Auditor is hereby directed to relinquish upon the record-books of his office all such lands.

Taxes assessed in 1872 released.

§ 2. That in all cases where lands have been purchased by the State for taxes assessed in 1873, 1874, 1875, 1876, 1877, 1878, and 1879, the State hereby relinquishes all claim to the interest, penalties, and costs thereon.

Costs and penalties.

§ 3. The various agents appointed by the Auditor under the authority of an act approved April 29, 1880, entitled "An act authorizing the Auditor to appoint agents to attend to revenue matters," shall at once proceed to ascertain the location of each lot or tract of land referred to in the second section, and secure from the records of the respective counties, or otherwise, such description as will serve to identify said property; and they shall also ascertain from said records, or otherwise, the name of the present owner of each of said lots or tracts of land. The agents shall, after ascertaining the location of the property and the name of the present owner, as provided above, re-advertise and sell such lands as shall have been heretofore advertised and remain unsold.

Duties of agents.

§ 4. In order to enable the agent to comply with the provisions of the sixth and third sections of this act, he shall be allowed two dollars for each lot or tract located, described, and advertised by him, which shall include the cost and labor of locating the property, ascertaining the name of the present owner, and advertising the property, which amount shall be added to the face of the taxes, and paid by the delinquent.

Compensation.

§ 5. Having so ascertained the location of said property and its present owner, said agent shall give public notice for thirty days that unless said taxes and costs are paid, so much of said property as may be necessary will be sold to pay the same.

Notice.

§ 6. Said notice shall contain the name of the person to whom said property was assessed, the name of the present owner, the amount of the face of said taxes, with the costs

How given.

added, and a description of said property. It shall be given by advertisement in some newspaper having a general circulation in the county, and shall be published therein once a week for four successive weeks, the first publication being, as above provided, thirty days before the day fixed for the sale, or it shall be given by printed handbills, posted in five places in said county thirty days before the day fixed for the sale: *Provided*, That the rate of advertising shall not be greater than charged any other advertisers for like quantity of matter.

How sale to be made.

§ 7. On the day named in said notice, said agent shall sell, at public outcry, at the court-house door in said county, so much as may be necessary of said property to pay the amount of said taxes and costs, said sale to be for cash in hand, and shall give to the purchaser a certificate of the character prescribed in the act to which this is an amendment.

Title.

§ 8. The purchasers at such sale shall acquire all the title which the person to whom said property was assessed had therein at the date of assessment, and free from all liens or claims of any persons claiming under or through him, except State taxes subsequently assessed against said property, and unpaid at the date of said sale.

Whole amount to be paid in.

§ 9. The agent, when he makes his settlement with the Auditor, shall pay into the Treasury the whole amount realized by him, and the Auditor shall draw his warrant on the Treasury for the amount due the agent.

Record.

§ 10. The agent shall keep, in a permanent form, a record of his official acts, which record shall at all times be open to public inspection.

§ 11. Section 14 is hereby repealed.

§ 12. This act shall take effect from and after its passage.

Approved April 22, 1882.

## CHAPTER 1307.

AN ACT to amend article 1 and article 5, chapter 36, of the General Statutes of Kentucky, entitled "Escheats and Escheators," so far as the same shall apply to the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

General Statutes, chapter 36, articles 1 and 5, amended.

§ 1. That article one, chapter thirty-six, General Statutes, be amended as follows: "That all property, rights of prop-

erty, credits or moneys, held on deposit or otherwise, the last known owner of which has not been heard of for eight years, and has not exercised any act of ownership over the same for eight years, shall vest in the Commonwealth without office found, and may be recovered by the Commonwealth by an action in equity. The receipt of the Auditor, or the order or judgment of a court of equity, shall be a full discharge or acquittance to the person or depositary surrendering the possession of said property: *Provided*, That property in the city of Louisville subject to escheat to the Commonwealth, shall vest in the board of trustees of the male high school, the female high school, and the public schools of the city of Louisville, for the use and benefit of the said schools, and the said board shall have and exercise as to all such property the rights, remedies, and responsibilities of the Commonwealth as provided in this chapter as amended.

§ 2. That section 6, article 5, chapter 36, General Statutes, be, and the same is hereby, repealed, and in lieu thereof, it is provided that the net proceeds of any estate embraced in this chapter which may be paid into the Treasury, shall be reimbursed to the owner or person by law entitled to the same, who had not before asserted claim thereto, upon his producing to the Auditor the certificate of a court of equity, that in a proceeding upon petition in said court, after due notice served upon the Auditor, and time given to make defense, it was found, upon final hearing, that the claim was just and proper: *Provided*, That the State shall not be liable for money paid to the board of trustees of the public schools of the city of Louisville, but the said board shall be liable therefor, in like manner as the State is liable, where it has received the escheated property, and shall refund the same upon like proceedings against it, as provided for in this chapter against the State.

Chapter 36, section 6, article 5, repealed.

§ 3. This act shall only apply to the city of Louisville.

§ 4 This act shall take effect and be in force from its passage.

Approved April 22, 1882.

## CHAPTER 1313

AN ACT to defray the expenses of the joint committee appointed to investigate the operations of an act, entitled "An act to amend the revenue laws," approved May 6, 1880.

WHEREAS, The expenses of the joint committee of this General Assembly, raised under a resolution approved January, 1882, in the fulfillment of duties thereby imposed upon it, are, in amount, \$353 75; therefore,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

\$353 75 appropriated.

§ 1. That the Auditor is hereby directed to draw his warrant on the Treasury in favor of E. F. Madden, secretary of the committee aforesaid, for \$353 75, which amount shall be in full for all costs incurred by said committee.

§ 2. This act shall take effect from its passage.

Approved April 22, 1882.

## CHAPTER 1316.

AN ACT to amend section 15, article 2, chapter 92, of the General Statutes.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

General Statutes,  
chapter 92, article 2,  
section 15,  
amended.

§ 1. That in addition to the fees required to be charged by the Register of the Land Office in said section, he be required to collect and report as other fees the following, to-wit: for issuing a land warrant, fifty cents; for filing a caveat, fifteen cents; for copying a caveat, two cents for every twenty words; for copying any writing not provided for, two cents for every twenty words; for copy of each plot, twenty-five cents; for each official certificate, fifty cents.

§ 2. This act shall take effect from and after its passage.

Approved April 22, 1882.

## CHAPTER 1317.

AN ACT to provide for the appointment of an additional clerk in the office of Register of the Land Office.

Preamble.

WHEREAS, The indexing in the Land Office is imperfect and incomplete, and mistakes are frequently found therein to the detriment of persons; and whereas, the same should be re-examined, simplified, and completed; and whereas, there

are thousands of surveys in said office unrecorded, although the State has been paid for their recording, and the law requires it to be done; and whereas, this work cannot be accomplished with the force now allowed said office; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Register of the Land Office be, and he is hereby, authorized and required to appoint one competent clerk in addition to the force now allowed him to assist him in the duties of his office, who shall receive an annual salary not exceeding one thousand dollars, payable out of the Treasury as in other cases of public officers.

Register to appoint additional clerk.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved April 22, 1882.

## CHAPTER 1324.

AN ACT to establish a Superior Court, and to regulate same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby established a court of justice for the Commonwealth of Kentucky, known as the "Superior Court," to consist of three judges, who shall have the same qualifications as are now required by law for judges of the Court of Appeals. Any two of them may constitute a court for the transaction of business. On the first Monday in August, 1882, there shall be elected by the qualified voters of this Commonwealth three persons, qualified as aforesaid, as judges of said court, whose term of office shall commence on the 1st Monday in September, 1882, and continue until the first Monday in September, 1886. They shall determine by lot who shall be the presiding judge. The State shall be divided into three Superior Court districts, and one judge of said court shall be elected from each of said districts by the qualified voters thereof. The said district shall consist of the following named counties, to-wit :

Superior court established.

The first district of the counties of Fulton, Hickman, Ballard, McCracken, Graves, Calloway, Marshall, Livingston,

1st district.

Lyon, Trigg, Crittenden, Caldwell, Christian, Todd, Logan, Warren, Henderson, Union, Webster, Hopkins, Daviess, McLean, Muhlenburg, Hancock, Ohio, Butler, Grayson, Breckinridge, Hardin, Barren, Allen, Simpson, Edmonson, Meade, and Hart.

2d district. The second district of the counties of Monroe, Cumberland, Metcalfe, Russell, Adair, Green, Taylor, Casey, Larue, Lincoln, Clinton, Wayne, Pulaski, Rockcastle, Boyle, Marion, Garrard, Madison, Washington, Nelson, Mercer, Jessamine, Bullitt, Spencer, Jefferson, Shelby, Henry, Franklin, Anderson, Oldham, Trimble, Carroll, Woodford, Jackson, Laurel, Knox, and Whitley.

3d district. The third district of the counties of Boone, Gallatin, Kenton, Campbell, Bracken, Pendleton, Grant, Owen, Harrison, Robertson, Mason, Scott, Nicholas, Fleming, Bourbon, Fayette, Clark, Montgomery, Bath, Rowan, Lewis, Greenup, Carter, Boyd, Elliott, Menifee, Morgan, Lawrence, Powell, Johnson, Martin, Wolfe, Lee, Estill, Breathitt, Magoffin, Floyd, Owsley, Perry, Pike, Clay, Letcher, Leslie, Harlan, and Bell.

Jurisdiction. § 2. The Superior Court shall have exclusive appellate jurisdiction over the final orders and judgments of all other courts of this Commonwealth that the Court of Appeals now has, except as provided in this act; and all the laws now in force in regard to appeals to the Court of Appeals and the trial thereof shall be applicable to appeals to the Superior Court, unless otherwise provided in this act.

Jurisdiction further defined. § 3. The Superior Court shall not have appellate jurisdiction of any appeal where there is involved (1) the validity of a statute; (2) the title to a freehold, or right to a franchise; (3) nor in cases of felony; (4) the probate of a will; (5) judgments for money or personal property, if the value in controversy be greater than \$3,000, exclusive of interest and cost; and the said court shall have the original jurisdiction in fiscal cases heretofore vested in the Franklin circuit court by article 9 of chapter 28 of the General Statutes, and so much of said chapter as vested said jurisdiction in the Franklin circuit court is hereby repealed, and the terms of said Superior Court for the hearing of fiscal cases shall be as provided for the Franklin circuit court in said chapter.

The court below shall determine the jurisdiction, &c. § 4. When the record does not show the amount in controversy, the court rendering the decision from which the appeal is asked shall, on motion of either party, determine



whether the amount is over \$3,000, and said decision shall be conclusive as to the jurisdiction of the appeal.

§ 5. The Court of Appeals shall have appellate jurisdiction over the final orders and judgments of the Superior Court in all cases except the following: 1. Those for fines or for the recovery of money or personal property where the amount of the fine, or the value in controversy, is less than one thousand dollars, exclusive of interest and costs; 2. Those where the judgment of the lower court have been affirmed by the Superior Court without a dissenting vote. But if, in any case coming within either of the above exceptions, any two of the judges of the Superior Court shall certify that, in their opinion, the question involved is novel, and is one of sufficient importance, the party against whom the decision was rendered shall be entitled to take the same by appeal to the Court of Appeals as in other cases.

When Court of Appeals has jurisdiction over judgments of superior court.

§ 6. If an appeal shall be taken to the Court of Appeals of which the Superior Court has jurisdiction, or if taken to the Superior Court when the Court of Appeals has jurisdiction, it shall not be dismissed, but shall be transferred to the court having jurisdiction.

Appeals to be transferred when.

§ 7. All appeals from the Superior Court to the Court of Appeals shall be prayed and granted in the Superior Court. But no appeal shall be granted after six months from the time the right to appeal first accrued, unless the party applying therefor was a defendant in the original action, and an infant not under coverture, or of unsound mind, or a prisoner who did not appear by his attorney, in which cases an appeal may be granted to such parties or their representatives within twelve months after their death, or the removal of their disabilities, whichever may first occur.

No appeal after 6 months, except, &c.

§ 8. The Clerk of the Court of Appeals shall be *ex officio* Clerk of the Superior Court. In appeals pending in the Superior Court he shall discharge the duties now required of him by law in similar cases in the Court of Appeals, and shall be allowed the same fees for like services. Whenever an appeal is granted from the Superior Court to the Court of Appeals the clerk shall transfer the case from the docket of the Superior Court to that of the Court of Appeals, and the same record upon which the case was tried in the Superior Court shall be used in the Court of Appeals. All laws that

Clerk, &c.

are now in force regulating appeals from other courts to the Court of Appeals, not inconsistent with this act, shall, in so far as the same are applicable, regulate appeals from the Superior Court.

What provisions of Code apply. § 9. The provisions of chapters 1, 2, and 3, of title 18, of "An act regulating practice in civil cases," except section 766, and all amendments thereto, and articles 2 and 3 of chapter 1st of title 9 of "An act to regulate practice in criminal cases," except section 359, and all amendments thereto, shall be applicable to the Superior Court. The party taking an appeal to the court established by this act shall file with the clerk thereof a certified transcript of the record, which shall be delivered to the court, upon the submission of the case, and no judgment shall be valid or binding until each of the judges of said court, sitting in the case, shall make or sign an indorsement, upon the opinion delivered thereon, that he has examined the record of the case.

Terms of. § 10. The Superior Court shall hold its terms at Frankfort, Kentucky, and it shall be the duty of the officers who now provide rooms for the Court of Appeals to provide suitable rooms for the Superior Court, and the expenses thereof shall be paid in the same manner as those of the Court of Appeals are now paid.

Process. § 11. Process from the Superior Court shall be executed in the same manner and by the same officers as similar process from the Court of Appeals, and the officers shall receive the same fees for like services. And chapter 99 of the General Statutes of Kentucky shall be applicable to the Superior Court.

Powers. § 12. Power is vested in the Superior Court to administer oaths, punish contempts, and make rules consistent with law for the government of its proceedings, and to any judge thereof power is given to reinstate attachments and injunctions in any case where the appeal, if taken, would lie to the Superior Court.

§ 13. Sections 1, 2, 3, 4, 5, 9, 11, and 12, of article 11, chapter 28, of the General Statutes of Kentucky, shall be applicable to the Superior Court.

Juridical days. § 14. There shall be no terms of the Superior Court, but the Court shall be held every juridical day in each year, except in the months of July and August, if the same shall be necessary for the disposal of all the business on the docket.

If there should be no court at any time, owing to unavoidable absence of two of the Judges, the Court shall stand adjourned until a quorum can be had.

§ 15. The Superior Court shall, by its orders, declare what shall be regarded as a term or the commencement or end of a term, in order to conform to any law or rule of Court requiring anything to be done before the commencement or after the end of a term, or within a certain number of terms, and said orders shall be so framed that there shall be two terms in each year.

Court, to declare terms, &c.

§ 16. The laws now applicable to filling vacancies in the Court of Appeals shall be applicable to filling vacancies in the Superior Court.

Vacancies.

§ 17. The judges of the Superior Court shall each receive an annual salary of three thousand six hundred dollars, to be paid monthly out of the Treasury.

Salary.

§ 18. It shall be the duty of the Attorney General to represent the Commonwealth of Kentucky in all cases pending in the Superior Court to which it is a party, and he shall be allowed the same fees therefor, and be paid in the same manner, as by law he is now paid in similar cases in the Court of Appeals.

Attorney General—duties of.

§ 19. When a case has been decided by the Court of Appeals upon an appeal from the Superior Court, it shall not be necessary for a mandate to issue to the Superior Court, but the mandate shall go directly from the Court of Appeals to the court from which the case was appealed to the Superior Court, and the laws applicable to other mandates from the Court of Appeals shall be applicable to mandates in such cases and to mandates from the Superior Court.

Mandate.

§ 20. This act shall not affect appeals granted prior to the first Monday in August, 1882; but the Court of Appeals shall transfer to the Superior Court all appeals pending in the Court of Appeals on said date that have not been heard and of which the Superior Court has jurisdiction, and may also transfer any of the appeals under submission within the jurisdiction of the Superior Court.

Appeals granted prior to 1st Monday in August.

§ 21. Elections under this act shall be conducted by the same officers and in the same manner as other elections for officers for the State at large.

Elections.

§ 22. The Superior Court shall have original jurisdiction of

Original jurisdiction of escheats.

escheats, and all acts or parts of acts inconsistent with this section are hereby repealed.

§ 23. All laws and parts of laws inconsistent with this act, or any part thereof, are hereby repealed.

Approved April 22, 1882.

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#### CHAPTER 1341.

AN ACT declaring Puncheon Camp creek a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Puncheon Camp creek navigable.

§ 1. That Puncheon Camp creek, in Breathitt county, be, and the same is hereby, declared navigable from its mouth to the mouth of the Bear fork of said creek, at Martin Little's.

§ 2. This act shall take effect from and after its passage.

Approved April 22, 1882.

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#### CHAPTER 1348.

AN ACT to regulate the jurisdiction of justices of the peace in the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Jurisdiction of justices in Louisville.

§ 1. They shall have concurrent jurisdiction with the officers now authorized by law to take bail of persons charged with the commission of misdemeanor for their appearance before the proper tribunal.

§ 2. They shall have the same original jurisdiction to take bail in cases of felony, after finding by examination that said cases are bailable, as the justices throughout the State now have.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved April 22, 1882.

## CHAPTER 1350.

AN ACT to appropriate money.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the following sums of money are hereby appropriated to the following named persons, to be paid by the Treasurer, out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor of Public Accounts: Appropriations.

To the Ministers of the Gospel at Frankfort, three hundred dollars, to be drawn and distributed among them by W. E. Railey, for their services in opening the two Houses with prayer during the present session.

To John B. Dryden, for papers furnished Senate, two hundred and seventy-four dollars and eighty cents.

To Guy Barrett, for papers furnished Senate, two hundred and forty-one dollars and ninety-two cents.

To Guy Barrett, for papers furnished House of Representatives, one thousand and sixty-nine dollars and forty cents.

To Maria Johnson, for washing towels for House of Representatives, ten dollars.

To Anna Grayson, for washing towels for Senate, five dollars.

To J. L. & W. H. Waggener, for crape and ribbon for Senate, four dollars and fifty-eight cents.

To Dan. Glanton, for two cushions for Senate, four dollars.

To W. H. Hall, for copperas and alcohol for Senate, two dollars and thirty cents.

To Gray & Rodman, for one dozen tumblers for House of Representatives, one dollar and fifty cents.

To Rodman & Bro., for crape and black ribbon, fifteen dollars.

To Marshall & Meagher, for sundry articles for Senate, thirty-five dollars and forty cents.

To Gray & Rodman, for sundry articles furnished Senate, sessions 1879 and '80 and 1881 and 1882, twenty-four dollars and seventy-five cents.

To Harris & Herrmann, for forty rosettes furnished Senate, seventeen dollars and fifty cents.

To R. H. Nicol, for ice furnished Senate and House, one hundred and thirty five dollars and seventy-five cents.

To Dan. Glanton, for small table for Senate, two dollars and fifty cents.

To W. S. Dehoney, for crape, &c., for Senate, fourteen dollars and thirty-five cents.

To Rodman & Bro., for matting, oil cloth, &c., fifty-one dollars and forty-eight cents.

To L. Tobin, for sundry articles for Senate, eleven dollars and seventy cents.

To Ed. A. Tuttle, to extra services in the Library during this session, three dollars per day.

To Robert Loomis, for extra services at back capitol during this session, one hundred and fifty dollars.

To Daniel Lynch, for services as carpenter, including articles purchased from Denis L. Haly for State House, raising flag, and repairing same for this session, one hundred and fifty dollars.

To Marshall and Meagher, for sundry articles furnished the House, twenty-one dollars and ten cents.

To the Clerks and Assistant Clerks of the Senate and House of Representatives, ten dollars per day, each, during this session, including ten days after the day of adjournment to complete their work; and any further sums which they may certify to the Auditor as paid by them for enrolling bills and resolutions during the present session, not exceeding twenty-five cents per page; and for the pay of Clerks, who may have acted for them during their sickness and inability of either the Chief or Assistant Clerks of their respective bodies, not exceeding five dollars per day.

To the Chief Clerk and Assistant Clerk of the House, one hundred dollars each, and to the Chief Clerk and Assistant Clerk of the Senate, thirty-eight dollars each, for keeping the accounts, and issuing certificates to the members of the House and Senate.

To the Enrolling Clerks of the Senate and House of Representatives, each seven dollars per day during the session, or at that rate.

To Lewis Harris, for services as assistant janitor for Senate and services in cloak-room, one hundred dollars.

To Major, Johnston & Barrett, furnishing Yeoman daily during the session with report of proceedings, three hundred dollars.

To Richard Shipp, janitor of the House of Representatives, three dollars and fifty cents per day during the present session.

To Charles Sublett, janitor for House of Representatives, the sum of three dollars per day during the present session.

To Dan. Glanton, Sergeant-at-Arms of the Senate, Wm. E. Bailey, Sergeant-at-Arms of the House of Representatives, six dollars per day each during the present session.

To the Door-keepers of the Senate and House of Representatives, to J. Fry Lawrence and Robert Tyler, six dollars each per day during the present session.

To Edward L. Stanton, Cloak-room keeper of Senate, two dollars and seventy-five cents per day for this session.

To Woodson Railey, Cloak-room keeper of the House of Representatives, three dollars per day during this session.

To Jack Jones, Assistant Cloak-room keeper of the House of Representatives, one dollar and fifty cents per day during this session.

To Harry Glenn, Second Assistant Clerk of Senate, eight dollars per day.

To John Glanton, three dollars per day during the session, for services as janitor of the Senate.

To Ernest Clarke, Willie Puckett, Leonard Cox, and Thos. Hinch, two dollars and twenty-five cents per day during the session, for their services as pages of the Senate, for such time as may be certified that they have served.

To George Hardin, Ben. H. Reeves, Beckner Bush, James Corbett, James Lee, Crepps Beckham, and Pat. McDonald, two dollars and twenty-five cents each per day during the session, for services as pages in the House of Representatives, for such time as may be certified that they have served.

To Curran Hobday, two dollars and twenty-five cents per day from the first Monday in February, 1882, to the end of this session, for services as page in the House of Representatives for that time.

To J. P. Pryor, for services as clerk Penitentiary Committee three days, fifteen dollars.

To R. A. Thomson, for administering the oath of office to the officers and members of the present House of Representatives, ten dollars.

To the Speaker of the Senate and the Speaker of the House

of Representatives, each ten dollars per day during the present session.

§ 2. This act shall take effect from and after its passage.

Approved April 24, 1882.

#### CHAPTER 1352.

AN ACT declaring Big Laurel river, in Laurel county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Big Laurel river  
navigable.

§ 1. That Big Laurel river, in Laurel county, be, and the same is hereby, declared a navigable stream from the point where the Lebanon branch of the Louisville and Nashville Railroad crosses said river to the Laurel and Clay county line.

§ 2. This act to take effect from and after its passage.

Approved April 24, 1882.

#### CHAPTER 1359.

AN ACT to amend chapter 944 of the Acts of one thousand eight hundred and seventy-eight.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Chapter 944,  
Acts of '79-'80,  
amended.

§ 1. That the words "so far as applicable," where they occur in the second section of said act, be, and they are hereby, stricken out.

§ 2. This act to take effect from and after its passage.

Approved April 24, 1882.

#### CHAPTER 1363.

AN ACT defining the fiscal year.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Fiscal year regu-  
lated.

§ 1. The present fiscal year shall close on the 30th day of June, 1882, and thereafter the fiscal year shall begin with the 1st day of July and close with the 30th day of June following, and all regular reports and statements of accounts



required by law of the various officers of State shall be made accordingly.

§ 2. This act to take effect and be in force from and after its passage.

Approved April 24, 1882.

### CHAPTER 1365.

AN ACT appropriating money for re-stocking the waters of Kentucky with food fishes.

WHEREAS, The General Assembly passed an act, approved March 20th, 1876, entitled "An act for the propagation and protection of food-fishes in the waters of the State of Kentucky;" and whereas, the Commissioners appointed under the provisions of the said act, have proceeded to stock the waters of this Commonwealth as far as practicable with fish; and whereas, the said Commissioners, as shown by their reports, are of the opinion that a further prosecution of the work will result in great benefit to the people of the State by reason of supplying them with a cheap and wholesome article of food; therefore,

Preamble.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sum of five thousand dollars be, and is hereby, appropriated for the furtherance of this object, said amount to be used by the Commissioners in stocking the waters of the State of Kentucky by distributing the same equally in the different rivers, creeks, lakes, ponds, and other waters thereof with such fishes as they may consider best adapted to furnish cheap and nutritious food for the people of the State.

\$5,000 appropriated to Fish Commissioners.

§ 2. This act shall take effect from its passage.

Approved April 24, 1882.

### CHAPTER 1377.

AN ACT to amend an act to establish a State Board of Health, to provide for the appointment of Local Boards of Health and Superintendent, and acts amendatory thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the State Board of Health and the Local Boards of Health shall have power and authority to examine into all

State and Local Boards of Health—powers of.

nuisances, sources of filth, and causes of sickness that may, in their opinion, be injurious to the health of the inhabitants within any county in this State, or in any vessel within any harbor or port in any county in this State; and whenever any such nuisance, source of filth, or cause of sickness shall be found to exist on any private property, or in any vessel within any port or harbor of any county in this State, or upon any water course in this State, the State Board of Health or Local Board of Health shall have power and authority to order, in writing, the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours, or within such reasonable time thereafter as such Board may order; and if the owner or occupant shall neglect so to do, he shall be fined not less than ten nor more than one hundred dollars, to be recovered before any court having jurisdiction thereof, by warrant in the name of the Commonwealth of Kentucky, and each day's continuance of such nuisance, after the owner or occupant thereof shall have been notified to remove the same, shall be a separate offense.

§ 2. The judge of the county court or police judge, or any justice of the peace, shall have power to try the offense described in the first section of this act; and upon complaint, on oath, made by any member of the State Board of Health, or any Local Board of Health of any county, or upon similar complaint by any citizen, shall issue a warrant for the arrest of the party charged, and shall forthwith proceed to try the case.

§ 3. It shall be the duty of the county attorney of each county to prosecute any person who shall violate the provisions of this act.

§ 4. In appointing the members of said Board, the Governor shall give due and fair consideration to the several schools or systems of medicine in this State.

§ 5. This act shall take effect from and after its approval.

Approved April 24, 1882.

## CHAPTER 1378.

AN ACT in aid of the Bureau of Agriculture.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That to enable the Commissioner of Agriculture the better to carry into effect the objects and purposes of an act,

entitled "An act to establish a Bureau of Agriculture," &c., passed March, 1876, an appropriation of the sum of \$1,000 annually for the period of two years is hereby appropriated, to be paid by the Treasurer out of any moneys not otherwise appropriated, on warrants drawn by the Auditor on the orders of the Commissioner of Agriculture.

\$1,000 annually  
appropriated.

§ 2 The Commissioner of Agriculture is authorized to expend such sums out of the appropriation in the preceding section as he may deem necessary in the payment of such premiums as he may offer in his discretion, in encouragement of the agricultural products of the State, such as wheat, barley, oats, corn, hemp, tobacco, &c. He may expend also such portions of said appropriation as in his judgment is prudent and necessary, in the distribution of any seeds that the U. S. Government may desire to introduce into the State of Kentucky, and in the purchase and importation of any seeds that he may deem of value to the agricultural interests of the State, and also for the exchange of seeds with other States and foreign countries. He is further authorized to expend such portions of said appropriation in the analyzation of soils in different parts of the State when, in his opinion, it will advance the general agricultural interest of the State: *Provided*, That the sum herein appropriated shall, in no sense, constitute an addition to or any part of the salary now allowed the Commissioner by law: *And provided further*, That it is not obligatory upon him to spend any portion of the appropriation herein made, unless, in his judgment, it is necessary to do so in furtherance of the objects of this act.

How to be ex-  
pended.

§ 3. The Commissioner is hereby required to give bond, payable to the Commonwealth of Kentucky, with surety approved by the Governor, for the faithful application and accounting for the money appropriated in the first section of this act, and the Commissioner is required to report to the Governor, on the 1st day of January of each year, the manner and amounts of expenditures made by him under the provisions of this act.

Commissioner to  
give bond.

§ 4. The Commissioner shall issue monthly statements of the crop prospects throughout the State as far as he may be able to do so from data drawn through circular letters addressed to all parts of the State, and also all information as to the general crop prospects throughout the United States,

Monthly state-  
ments.

and all foreign countries whose products come in competition with the products of this State.

§ 5. All acts and parts of acts in conflict with this act are hereby repealed.

§ 6. This act shall take effect from and after its passage.

Approved April 24, 1882

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#### CHAPTER 1382.

AN ACT to require railroad companies to post notices of delays in passenger trains.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That whenever any regular train, used for the transporting of passengers, is delayed in its arrival at any railway station, which is also a telegraph station, located in this State, for as much as thirty minutes, it shall be the duty of the agent at such station to post in some conspicuous place, in the room used by passengers in the depot at such station, the fact of the delay of such train, and the length of time of such delay, as soon as the same is ascertained by him.

To post notice of delays.

§ 2. For each failure to so post the notice of the delay, and the length of same, as provided in the first section of this act, the railroad company so failing, through its agent, as provided herein, shall be liable to a fine of not less than ten dollars nor more than fifty dollars for each failure, recoverable in the name of the Commonwealth in any court of competent jurisdiction.

Penalty.

§ 3. This act shall be in force on and after July 1st, 1882.

Approved April 24, 1882.

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#### CHAPTER 1384.

AN ACT to amend section 11, article 8, chapter 92, of the General Statutes, entitled "Revenue and Taxation."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 11, article 8, chapter 92, of the General Statutes, entitled "Revenue and Taxation," be, and the same is hereby, amended so as to read as follows, viz: Sheriffs shall be allowed by the Auditor the following commissions

General Statutes, chapter 92, article 8, section 11, amended.

upon the sums collected and accounted for or paid into the Treasury in each year: upon the first five thousand dollars, ten per cent., and upon all above five thousand dollars, four per cent. Revenue and taxation.

§ 2. This act shall not apply to any county in which the gross State revenue exceeds the sum of twenty thousand dollars.

§ 3. That collectors appointed to collect the revenue in counties where the office of sheriff is vacant shall receive the commissions fixed by this act, and no more.

§ 4. All laws in conflict herewith are hereby repealed.

§ 5. This act to take effect from and after its passage.

Approved April 24, 1882.

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CHAPTER 1389.

AN ACT requiring a grand jury at each term of the Warren circuit court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That at each term of the Warren circuit court a grand jury for said county shall be empaneled as required by law. Warren circuit court.

§ 2. This act shall take effect and be in force from its passage.

Approved April 24, 1882.

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CHAPTER 1390.

AN ACT to prevent frauds in the manufacture and sale of commercial fertilizers, and chemicals for manufacturing the same, in this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to manufacture or sell any commercial fertilizer, or chemicals for manufacturing the same, within this Commonwealth until he shall procure from the Commissioner of Agriculture a license to manufacture or sell the same, and until he shall procure, at his own cost, from the chemist of the Agricultural and Mechanical College at Lexington, who is hereby made State chemist, an analysis of each brand of fertilizers, or chemicals for manufacturing the same, manufactured or sold by him, License to sell or manufacture commercial fertilizers.

which analysis shall show the per cent. of valuable ingredients or elements composing the same.

\$20 per year.

§ 2. The Commissioner of Agriculture shall charge each applicant for license the sum of twenty dollars per year license fee upon each brand of fertilizers or chemicals manufactured or sold by him; and upon receipt of the above sum for each separate brand of fertilizers or chemicals, and a copy of the analysis of the same signed by the State chemist, he shall issue a license to such applicant to manufacture or sell the same for the period of one year.

Misdemeanor.

§ 3. Any manufacturer or dealer who shall manufacture or offer for sale within this State any fertilizer, or chemicals for manufacturing the same, without license as aforesaid, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than two hundred not more than five hundred dollars; and any manufacturer or dealer offering for sale any fertilizer, or chemicals for manufacturing the same, without the manufacturer's or dealer's name, the name of the brand of fertilizer or chemicals so offered for sale, together with a printed copy of the analysis of such brand attached to each bag, barrel, or package, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than two hundred dollars, and shall forfeit to the State each bag, barrel, or package so unmarked; and any manufacturer or dealer who shall sell, or offer for sale, any bag, barrel, or package of any brand of fertilizers or chemicals, the contents of which shall vary three per cent. from the analysis attached thereto, or who shall attach an analysis to any brand of fertilizers or chemicals that contains essentially different ingredients from that indicated by the analysis, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred nor more than five hundred dollars: *Provided*, That nothing in this section shall prevent a recovery of damages from any manufacturer or dealer aforesaid by any person aggrieved by reason of a sale to him of any defective, worthless, or fraudulent fertilizer or chemical.

Analysis a guarantee.

§ 4. The analysis so placed upon, or attached to, any fertilizers or chemical shall be a guarantee by the manufacturer or dealer offering the same for sale that it contains substantially the same ingredients indicated thereby in the percentages named therein, and said guarantee shall be binding

on said manufacturer or dealer, and may be pleaded in any action or suit at law, to show total or partial failure of consideration in the contract for the sale of the same. It shall be the duty of the Commissioner of Agriculture to forbid the sale of any acid phosphate, or dissolved bone, which is shown by official analysis to contain less than ten per centum of available phosphoric acid ; and also to forbid the sale of any ammoniated superphosphate, which is shown by official analysis to contain less than eight per centum of ammonia. A copy of the official analysis of any fertilizer or chemical under the signature of the commissioner shall be admissible as evidence in the trial of any issue involving the merits of said fertilizers or chemicals.

§ 5. It shall be the duty of the State chemist to proceed, without delay, to make an analysis of any and all fertilizers or chemicals submitted to him for that purpose ; to keep a record of the names of manufacturers or dealers ordering such analysis to be made ; the of each particular brand of fertilizer or chemical so analyzed, together with the analysis of the same, which record shall be open to inspection at any time. As soon as an analysis has been made of the different brands of any manufacturer or dealer, he shall forward to the Commissioner the name of said manufacturer or dealer, the name and number of the brands so analyzed, and a copy of each analysis ; also, a copy of the same to the manufacturer or dealer, and for such services he shall not be allowed to charge more than a reasonable compensation therefor.

Duty of State chemist.

§ 6. It shall be the duty of the Commissioner of Agriculture to keep a record of the names of all persons licensed by him to manufacture or sell fertilizers, or chemicals for manufacturing the same ; the name and number of the brands to be manufactured or sold by each, and an analysis of the same ; the amount paid by each manufacturer or dealer, together with the date of the license so issued, and he shall annually pay into the Treasury any unexpended balance of moneys so received ; and he is hereby authorized and required to prescribe and enforce such rules and regulations as he may deem necessary to carry fully into effect the true intent and meaning of this act.

Commissioner to keep a record, &c.

§ 7. Any purchaser of any fertilizer or chemical in this State may take a sample of the same, under the rules and regulations prescribed by the Commissioner of Agriculture,

Sample to be forwarded, &c.

and forward the same to the Commissioner to be analyzed by the State chemist, which analysis shall be paid for by the Commissioner out of the license fees received by him: *Provided, however*, That the cost of all such analyses shall not exceed the amount of fees received by him; and in any suit at law, instituted on behalf of the purchaser of any fertilizer or chemicals, where fraud is claimed and proven, judgment shall be rendered in favor of the plaintiff for the full value of the loss sustained by him, together with the amount paid by him for any such fertilizers or chemicals.

Commissioner to  
investigate all  
complaints.

§ 8. It shall be the duty of the Commissioner of Agriculture to investigate all complaints made to him against any manufacturer or dealer in fertilizers or chemicals, and if he is satisfied that fraud has been perpetrated, he shall institute suit in the Franklin circuit court on behalf of the complainant, if he has been injured thereby, or on behalf of the Commonwealth, which suit shall be prosecuted by the Attorney General, who shall receive therefor a reasonable fee, to be taxed as cost against the defendant, if judgment is rendered in behalf of the plaintiff.

Fertilizer defined

§ 9. The terms "fertilizer" and "chemicals," as used in this act, shall be taken to mean any and every substance imported, manufactured, prepared, or disposed of for fertilizing or manuring purposes: *Provided, however*, That the provisions of this act shall not apply to marl, or to fertilizers disposed of at one half cent or less per pound.

Act of 1880 re-  
pealed.

§ 10. This act shall be in force from and after the first day of June, 1882, and an act, entitled "An act to prevent fraud in the manufacture or sale of commercial fertilizers in this Commonwealth," approved April 22d, 1880, and all acts in conflict with this act, shall then be repealed.

Approved April 24, 1882.

## CHAPTER 1400

AN ACT to amend an act, entitled "An act to amend chapter 14, title 10, of the Code of Practice," approved April 15th, 1882.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Act of April 15,  
1882, amending  
chapter 14, title  
10, of Code,  
amended.

§ 1. That the above entitled act be amended by striking out the second section thereof.

§ 2. This act to be in force from and after its approval.

Approved April 24, 1882.



CHAPTER 1406.

AN ACT to repeal chapter 5 of the Session Acts of 1881.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That chapter 5 of the Session Acts of 1881 be, and the same is hereby, repealed.

Chapter 5 of Acts of 1881, repealed.

§ 2. This act shall take effect from its passage.

Approved April 24, 1882.

CHAPTER 1413.

AN ACT to amend an act, entitled "An act to regulate the jurisdiction of quarterly courts and courts of justices of the peace," approved March 17, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to regulate the jurisdiction of quarterly courts and courts of justices of the peace," approved March 16, 1878, be amended so as to apply to Edmonson county.

Act of March 17, 1878, amended.

§ 2. This act to take effect from and after its passage.

Approved April 24, 1882.

CHAPTER 1421.

AN ACT in relation to the common schools of this Commonwealth, providing for the levy of an additional tax, and a submission of same to the people.

WHEREAS, By existing law there is a difference in the per capita to which the white and colored pupil children of this Commonwealth are entitled; and whereas, no such difference in the per capita due such white and colored pupil children should exist; and whereas, the tax of twenty cents on the \$100 now levied in support of common schools was levied only after the ratification and approval of the white voters of the Commonwealth, and was only intended for the benefit of white children; and whereas, an additional tax of two cents on the \$100 levied on all the property in the Commonwealth subject to taxation for revenue purposes will

Preamble.

make the per capita of the white pupil child and the colored pupil child the same; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Two-cent tax  
levied for school  
purposes.

§ 1. That a tax of two cents on each \$100 of property in this Commonwealth, subject to taxation for State revenue purposes be, and the same is, hereby levied and imposed: Said tax, when collected, shall be placed to the credit of the common school fund of the State, which entire fund shall hereafter be united and become one fund, to which the white and colored pupil children of this State shall be entitled in the same proportion. The school ages of colored children shall be from six to twenty years, and the capitation tax imposed upon colored people for common school purposes is hereby repealed.

Mixed schools  
not authorized.

§ 2. But nothing in this act shall be construed in anywise, or to any extent, or for any purpose, to authorize any white child to attend any common school for colored children, or any colored child to attend any school for white children; but white and colored schools shall be forever kept and maintain, and separately.

Inoperative un-  
til ratified.

§ 3. This act shall not take effect until ratified and approved by a majority of the legally qualified voters of the State voting on the question; and to ascertain the sense of the qualified voters, it shall be the duty of the sheriff and other officers conducting the next annual election to be held on first Monday in August, 1882, to open a poll in the various precincts in their respective counties, and take the sense of the qualified voters of the Commonwealth upon the propriety and expediency of imposing an additional tax of three cents on each \$100 worth of property in the State subject to taxation, for the purpose of increasing the common school fund of Kentucky, and of equalizing the white and colored per capita.

Vote — how  
listed and certi-  
fied.

§ 4. That it shall be the duty of the sheriff and other returning officers to make out a correct list of the vote required to be taken under this act, and it shall be the duty of county judge and county clerks of the several counties to compare and certify said lists of their respective counties; and said county clerk shall cause the same to be delivered to the Secretary of State within sixty days after the day of said election; and, upon failure of any one of them to do so, he

shall be fined in the sum of \$100, to be recovered in any court of competent jurisdiction.

§ 5. If it shall appear from said vote that a majority of the votes cast under the provisions of this act or cast in favor of said tax, then this act shall stand in full force and effect, as fully and completely as though the time at which it should take effect was fixed in this act; and it shall thereupon be the duty of the Secretary of State to forthwith notify, in writing, the sheriff of each county, or the collector of State revenue in each county, if there be no sheriff therein, that this act is in full force and effect, and for such sheriff or collecting officer to collect, in addition to the tax now fixed by law, an additional tax of three cents on each one hundred dollars' worth of property in this State subject to taxation for State revenue purposes. Tax to  
lected.

§ 6. That it shall be the duty of the Public Printer to print and deliver immediately to the Secretary of State twenty-five hundred copies of this act, and it shall be the duty of the Secretary of State to forward twenty-five copies of same for each Representative district of the House of Representatives to the various clerks of the county courts, in proportion to the representative, by the 15th day of June preceding said August election, and said clerks so required to deliver said copies to the sheriffs of their respective counties, and take receipt therefor; and it shall be the duty of said sheriff to put one copy of this act at the place of voting in each election precinct in their respective counties, at least twenty days before the said August election. Public Printer.

§ 7. That any person, other than a qualified voter of this State, who shall vote for or against the proposition in this act mentioned, shall be subject to all the fines and penalties now in force under existing laws regulating elections. Illegal voting.

§ 8. This act shall take effect from and after its passage, so far as it provides for a submission of the vote to the people.

Approved April 24, 1882.

#### CHAPTER 1423.

AN ACT to authorize the purchase or condemnation of grounds for Federal buildings in the city of Lexington, and ceding to the United States jurisdiction over the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the United Government be, and is hereby, author-

United States  
authorized to  
purchase, &c.

ized to purchase, or acquire by condemnation, and hold, ground within the corporate limits of the city of Lexington, sufficient and suitable for the erection and use of public buildings for occupation as a post-office, for United States courts, for collectors and pension commissioners, and offices for other United States officers in said city.

Jurisdiction  
ceded.

§ 2. That exclusive jurisdiction over such grounds as may be so purchased or obtained by condemnation, and held for the aforesaid use, be, and is hereby, ceded to the United States so long as they remain the owners and in the said use thereof for all purposes except the administration of the criminal laws of this Commonwealth, and the service of any civil process thereon, and shall be exempt from State and county and municipal taxation so long as the same shall be so used by the United States.

May condemn.

§ 3. *Be it further enacted*, That in case of the failure of the United States to agree with the owner or owners of any such lands as may be deemed by the United States necessary for the purposes named in the first section of this act, it shall be lawful for the United States to take steps and have such lands condemned by a proceeding in accordance with the general laws of Kentucky for condemning lands for public uses in the State of Kentucky, or it shall be lawful for the United States to apply for the condemnation of such land, by petition to the circuit judge for the county of Fayette within term time, or in vacation, notice of the time and place of such application having been duly given by publication for thirty days prior to such application in some newspaper published in Lexington, or if the owners reside in the State of Kentucky, upon the owner or owners of such lands at least twenty days prior to such application; and if such resident owner or owners be infants or married women, the service aforesaid must be upon the guardian of such infants, and the husbands of such married women, at least twenty days before said application; and thereupon it shall be lawful for said circuit judge to appoint three disinterested freeholders of the county of Fayette, who, having been first duly sworn to well and truly appraise the damages due the owner or owners of said land proposed to be taken, shall report in writing to the said judge the amount of damages to be paid to the owner or owners of said land, which report, upon information by said judge, shall be entered on record in his court, and shall be

binding and final upon the said owner or owners of said land; and upon the amount of such damages being paid to the owner or owners of said land, or if refused by them, or either of them, shall be paid into said circuit court for them, the title to said land shall at once vest in the United States for the purposes and to the extent and for the uses as set forth in the above sections of this act.

§ 4. *Be it further enacted*, That the county court of Fayette county, a majority of all the justices of the county being present and concurring therein, may, be contract with the United States Government, sell and convey to said Government any lands they may own in the city of Lexington, to be held by the United States as aforesaid, and for the uses and purposes aforesaid; but no lands of said county of Fayette shall be subject to condemnation under this act.

County court may contract and sell, &c.

§ 5 This act shall take effect from its passage.

Approved April 24, 1882.

## CHAPTER 1424.

AN ACT for the benefit of the Central Lunatic Asylum at Anchorage.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby appropriated out of the general revenues of the State the sum of thirty-two thousand six hundred (\$32,600) dollars for the purpose of making certain improvements for the use and benefit of the Central Lunatic Asylum at Anchorage, as follows:

\$32,600 appropriated to Central Lunatic Asylum.

For putting up one new three-story building, with basement, and one two-story building, with basement, according to the plans and specifications of F. M. Curl, architect,	- - - - -	\$29,000.00
For beds, bedding, and furniture for said building,		2,000 00
For building a new barbed wire fence around the grounds at said asylum,	- - - - -	1,600.00

**\$32,600 00**

§ 2. That F. M. Curl, architect, by whom the plans and specifications were made, shall superintend the erection of said buildings, buy material, contract for work and labor, and do all things necessary and proper to fully complete said

Architect shall superintend, &c.

buildings. The plans and specifications prepared by said architect shall be filed with the commissioners of said asylum, and shall govern in the construction of said buildings, and shall at all times be accessible to all parties interested. After the completion of said buildings, said plans and specifications shall be filed with and be preserved by the Auditor of Public Accounts.

§ 3. That said F. M. Curl, as superintendent of said work, shall have no interest in any contract for the construction of said buildings, or for materials furnished. In case of his failure, for any cause, to act, the commissioners of said asylum shall select another suitable person to act in his room and stead, provided that their selection shall meet the approval of the Governor.

§ 4. The money herein appropriated, or a sufficiency thereof to pay for the improvements herein authorized, shall be drawn upon the draft of the commissioners; and upon said draft being made the Auditor shall draw his warrant upon the Treasurer for any sum not exceeding thirty-two thousand six hundred dollars, to be paid out of the general revenues of the State not otherwise appropriated. But nothing in this section shall authorize said money to be drawn, except in payment for the building, furniture, beds and bedding, and wire-fencing aforesaid.

§ 5. The said commissioners shall, within three months after the completion of said building and fencing, and the purchase of the property herein authorized, make out an itemized statement, showing each and every item of expenditure, and file the same with the Auditor of Public Accounts. The superintendent of said work shall make out itemized accounts in favor of the person or persons to whom payments are to be made, and when sworn to by him, and approved by said commissioners, shall be paid by order of the commissioners out of the moneys herein appropriated.

§ 6. The commissioners of said asylum are authorized to pay F. M. Curl, for his services as superintendent of said work, any sum not exceeding the sum of ———, which shall be paid out of the appropriation herein made for the construction of said buildings.

§ 7. This act shall take effect from its passage.

Approved April 24, 1882.

CHAPTER 1433.

AN ACT to fix the time and places for holding the circuit courts in the second judicial district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the terms of the circuit court in the counties composing the second judicial district shall begin and be held at the following times and places, and for the period hereinafter designated, if the business require it:

At Greenville, in Muhlenberg county, on the second Monday in February and August, and continue eighteen days at each term. Muhlenburg.

At Hopkinsville, in Christian county, on the first Mondays in March and September, and continue twenty-four days at each term. Christian.

At Madisonville, in Hopkins county, on the first Mondays in April and October, and continue eighteen days at each term. Hopkins.

At Cadiz, in Trigg county, on the fourth Mondays in April and October, and continue eighteen days in each term. Trigg.

At Princeton, in Caldwell county, on the third Mondays in May and November, and continue eighteen days at each term. Caldwell.

At Eddyville, in Lyon county, on the second Mondays in June and December, and continue eighteen days at each term. Lyon.

§ 2. All acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect the first day of August, 1882.

Approved April 24, 1882.

CHAPTER 1441.

AN ACT to amend an act, entitled "An act to establish a uniform system of common schools for the colored children of this Commonwealth," approved February 23, 1874.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 2 of an act to establish a uniform system of common schools for the colored children of this Commonwealth, approved February 23, 1874, be amended by striking therefrom subsection "two," which reads as follows: "A capitation tax of one dollar on each male colored person above the age of twenty-one years." And the sheriffs of the

Act of Feb'y 23, 1874, amended.

various counties shall be credited in their settlement with the Auditor by the amount of such capitation tax listed, but not collected.

§ 2. This act shall take effect from and after its passage.

Approved April 24, 1882.

#### CHAPTER 1446.

AN ACT to provide for ascertaining the number of citizens entitled to vote for Representatives within the State at the general election for Representatives to be held in August, 1883.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of each county shall, at its term next before the general election to be held in August, 1883, appoint two discreet citizens for each election precinct within the county, who shall be styled tellers, and whose duty it shall be to make and return, in like manner with the returns of elections for Governor, except that the return may be made by said tellers within ten days after the election, a statement of all the citizens entitled to vote within their respective precincts for Representatives at said election : *Provided*, That the tellers at each precinct, appointed by the county courts under the provisions of this act, shall be selected from, and belong to, different political parties, provided that there be two or more political parties in each precinct from which to appoint.

§ 2. That for the purpose of ascertaining the number of persons so entitled to vote, the said tellers shall take from the poll-books of said election, within six days thereafter, the names of such citizens as lawfully voted for Representatives thereat, and shall, on the next day after making such list, add to it the names of all other citizens entitled so to vote within their respective precincts, which additional names may be ascertained from the personal knowledge of said tellers.

§ 3. The returns of said tellers shall be examined and the result declared in like manner with the returns of elections for Governor.

§ 4. If for any cause any teller fails to serve, the vacancy shall be filled in like manner with vacancies in the office of judge of the election.



§ 5. Said tellers shall be sworn to the faithful discharge of Oath. their duties.

§ 6. The tellers shall receive for their compensation two \$2. dollars each, to be paid in like manner with judges of election.

§ 7. All acts and parts of acts inconsistent with this act are repealed.

§ 8. The mode hereinbefore provided for ascertaining the number of citizens entitled to vote for Representatives within the State, shall be the only mode of ascertaining such number, for the purpose of ascertaining whether a majority of such citizens vote at said election for calling a Constitutional Convention.

Approved April 24, 1882.

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CHAPTER 1449.

AN ACT for the benefit of persons and corporations engaged in manufacturing artificial ice in Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. Any person or corporation engaged in manufacturing ice on the Sabbath day shall not be liable to the penalty denounced against persons who do work or business on that day. Ice manufactu-  
rers.

§ 2. That this act shall apply only to the Lexington Ice Manufacturing and Storage Company.

§ 3. This act shall take effect from and after its passage.

Approved April 24, 1882.

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CHAPTER 1452.

AN ACT to re-enact an act, entitled "An act to provide means for supplying any deficiency that may occur in the State revenue for ordinary expenses of the Government within the next two years," approved May 5th, 1880, and continue the same in force for two years.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to provide means for supplying any deficiency that may occur in the State revenue for the ordinary expenses of the Government within the Act of May 5,  
1880, continued.

next two years," approved May 5th, 1880, be, and the same is hereby, continued in force for two years from and after the passage of this act.

§ 2. This act shall take effect from its passage.

Approved April 24, 1882.

#### CHAPTER 1453.

AN ACT to amend chapter 53, General Statutes, entitled "Idiots and Lunatics."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That jurisdiction in inquests of idiots shall be confined to circuit and criminal courts alone.

Gen. Stat., chap.  
53, amended.

Idiots and luna-  
tics.

§ 2. The Auditor shall forward to each circuit and criminal court judge and Commonwealth's Attorney a complete list of all persons in the respective counties of their judicial district who receive an allowance from the State as idiots. And the judge at the first term of his court in each county shall require all such beneficiaries to be produced in person before the court, unless it is clearly proven that to do so would greatly endanger the health of such beneficiary; and he shall cause an examination to be made into the mental and pecuniary condition of all such persons, and he shall refuse an order for allowance to any one who is not shown to be unable, from natural want of mental capacity, to take care of themselves, and who have no means out of which their support may be provided for.

§ 3. No order shall be made for the maintenance of any one under eight years of age, nor one who is only at times, by epileptic fits or other malady, enfeebled in mind.

§ 4. The Commonwealth's Attorney shall be especially charged with the duty of being present at all inquests, and shall, whenever the interests of the State may require it, introduce evidence as to the claims which these persons may have upon the State for an allowance.

§ 5. This act to take effect from and after its passage.

Approved April 24, 1882.

CHAPTER 1455.

AN ACT to amend section 16, article 13, chapter 28, General Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That so much of section 16, article 13, chapter 28, General Statutes, be so amended as to permit the judge of the county court to practice in suits in his own county involving the settlement of the estate of a decedent, or of the accounts of a guardian or trustee, except where there has been a partial or complete settlement thereof in the county court.

General Statutes,  
chapter 28, arti-  
cle 13, section 16,  
amended.

§ 2 This act shall apply only to Clark county, and shall take effect from its passage.

Approved April 24, 1882.

CHAPTER 1462.

AN ACT to defray the expenses of joint committee appointed to attend the funeral of Hon. Paul J. Doneghy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of D. L. Moore, chairman of joint committee appointed to attend the funeral of Hon. Paul J. Doneghy, for the sum of thirty-eight dollars and forty-five cents, being for expenses incurred by said committee while in discharge of duty, and the Treasurer is authorized to pay said draft out of any moneys in his hands not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved April 24, 1882.

CHAPTER 1467.

AN ACT to amend chapter 69 of the General Statutes, title "Library of the Commonwealth and Librarian."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 9, of article 2, chapter 69, title "Library of the Commonwealth and Librarian," of the General Stat-

General Statutes,  
chapter 69, arti-  
cle 2, section 9,  
amended.

utes, be, and the same is hereby, amended so as to read as follows, to-wit:

Assistant Librarian.

§ 2. The Librarian may appoint an Assistant Librarian to assist in taking care of the Library, public buildings, and other property under the charge of the Librarian, and in the discharge of any other duty imposed by law upon the Librarian as such, for all of whose acts as such Assistant, the Librarian shall be responsible on the bond required by law to be executed by the Librarian; and upon the certificate of the Librarian that such Assistant has been appointed, and has discharged the duties required by the Librarian during the month, the Auditor of Public Accounts shall draw his warrant upon the Treasurer on the last day of each month in favor of such Assistant Librarian for the sum of fifty dollars.

§ 3. That this act take effect on the last day of April, 1882.

Approved April 24, 1882.

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#### CHAPTER 1468.

AN ACT to amend an act, entitled "An act to change and fix the times and terms for holding circuit courts in the third judicial district," approved 23d day of February, 1882.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Union circuit court.

§ 1. That the March term of the Union circuit court shall begin on the third Monday in March, and continue thirty-six juridical days, and the February term of the Webster circuit court shall continue twenty-four juridical days; and said bill is amended in these particulars only.

§ 2. This act shall take effect from its passage.

Approved April 24, 1882.

# RESOLUTIONS.

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## No. 1.

A JOINT RESOLUTION in regard to a Constitutional Convention.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That a joint committee, composed of five from the Senate and seven from the House, be appointed to consider all bills relating to the calling of a Constitutional Convention.

Approved December 8, 1881.

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## No. 2.

A JOINT RESOLUTION providing for the appointment of a Committee on Reapportionment.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That a joint committee of fifteen is hereby created, ten on behalf of the House of Representatives, to be appointed by the Speaker thereof, one from each of the districts named in section 6, article 1, of the Constitution of Kentucky, and five to be appointed by the Speaker of the Senate, which committee is instructed to apportion the State into legislative districts as required by section 6 of the Constitution, and likewise to apportion the State into Senatorial districts as required by section 14 of the Constitution of the State; and said committee is instructed to report by bill, and may report at any time.

Approved December 8, 1881.

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## No. 3.

RESOLUTION for the benefit of Clement Mitchell.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That there be appropriated to Clement Mitchell the sum of, fifty dollars for his services and expenses as acting Sergeant-

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## RESOLUTIONS.

at-Arms during the organization of the Senate, and that the Auditor is hereby directed to draw his warrant for the above sum in favor of said Mitchell on the Treasurer.

Approved December 8, 1881.

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No. 4.

JOINT RESOLUTION in regard to the Atlanta Exposition.

WHEREAS, The managers of the International Cotton Exposition at Atlanta have courteously extended to the Kentucky Legislature a cordial invitation to visit that city and attend the Exposition, and believing that such a trip can be made without loss of time and without expense to the State; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

1. That the two Houses of the General Assembly accept the invitation in the spirit in which it was extended, and fix Saturday, December 17th, 1881, as the day on which to start from Frankfort for the city of Atlanta.

2. *Resolved*, That a joint committee, consisting of one from the Senate and two from the House of Representatives, be appointed, which committee shall make arrangements for the transportation of the members to and from Atlanta.

3. *Resolved*, That the Governor be requested to send a copy of these resolutions to the managers of the International Cotton Exposition at Atlanta.

Approved December 8, 1881.

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No. 5.

RESOLUTION in regard to stairway to rotunda.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Sergeant at-Arms of each House, acting together, devise and execute a plan to remedy the slippery condition of the stairway in the rotunda of the Capitol by the use of matting, and that they proceed at once to do so.

Approved December 8, 1881.

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### No. 6.

**RESOLUTION** to appropriate money to Thomas G. Poore, late Clerk of the House of Representatives.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the sum of one hundred dollars be allowed Thomas G. Poore, late Clerk of the House of Representatives, for his services in organizing the present House of Representatives of the General Assembly of the Commonwealth of Kentucky, and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer in favor of said Poore for said sum.

Approved December 8, 1881.

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### No. 7.

**RESOLUTION** in relation to National flag.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Sergeant at Arms of the House of Representatives be required to raise the National flag over the Capitol dome, and that he shall keep said flag afloat over said building during the session of this body.

Approved December 8, 1881.

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### No. 8.

**RESOLUTION** in relation to the election of a State Librarian.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the General Assembly will proceed to the election of a State Librarian on Wednesday, December 7th, 1881, at 12 o'clock, M.

Approved December 10, 1881.

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### No. 9.

**RESOLUTION** in regard to printing report of Railroad Commissioners.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That there be appointed by the Speakers of the respective

## RESOLUTIONS.

Houses a joint committee, consisting of two Senators and three Representatives, to consider and report the number of copies of the report of the Railroad Commissioners it is proper to have printed, and the form in which it should be done.

Approved December 13, 1881.

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No. 10.

JOINT RESOLUTION providing for the appointment of a special committee to investigate the punishment of convicts in the Penitentiary.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That a special committee, consisting of three Senators appointed by the Speaker of the Senate, and five Representatives appointed by the Speaker of the House, be, and is hereby, created, and said joint committee is directed to inquire how the convicts in the State Prison are punished, and what kind of machinery to punish men it is inflicted with, and extent of punishment, and whether in a humane manner or not, and report the same at as early a day as possible.

Approved December 13, 1881.

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No. 11.

JOINT RESOLUTION in reference to an adjournment of the General Assembly.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That when the two Houses of the General Assembly adjourn on Friday, December 16th, 1881, they adjourn to meet on Tuesday, January 3d, 1882.

Approved December 13, 1881.



## RESOLUTIONS.

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### No. 12.

RESOLUTION raising a committee to investigate the condition of the prison cemetery.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That a joint committee, consisting of five members of the House and three from the Senate, be appointed to investigate as to the condition of the prison cemetery, and make report thereof to this General Assembly.

Approved December 13, 1881.

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### No. 13.

RESOLUTION in regard to pensioning the soldiers and sailors who served in the Mexican war.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means in their power to procure the passage of a law allowing pensions to all the soldiers and sailors that are now living who served in the United States Army in the war with Mexico, and that the Governor of this Commonwealth is hereby requested to transmit a copy of this resolution to each of our Senators and members in Congress.

Approved January 6, 1882.

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### No. 14.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Quarter-Master General be directed to cause a national salute to be fired on the 9th day of January, 1882, at 12 o'clock, meridian, in commemoration of the victory gained by the American troops, under the command of Gen. Andrew Jackson, at New Orleans, on the 8th day of January, 1815, over the British troops commanded by Gen. Packenham; and the Auditor be directed to draw his warrant on the Treasurer in favor of the Quarter-Master General for a sum sufficient to pay the expense of the said salute.

Approved January 14, 1882.

## RESOLUTIONS.

## No. 15.

WHEREAS, In many portions of this Commonwealth there are grave complaints that the enforcement of an act, entitled: "An act to amend the revenue laws," approved May 6, 1880, is harsh and oppressive to citizens; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That a committee, composed of two from the Senate and two from the House, to be appointed by the Speakers of the Senate and House, respectively, to examine into and investigate the acts and doings of any and all agents appointed by the Auditor to enforce the provisions of an act, entitled "An act to amend the revenue laws," approved May 6, 1880, and to report to the General Assembly the result of its investigations, by bill or otherwise, as the rights of citizens may require.

2. *Be it further resolved*, That said committee is hereby authorized and empowered to swear and examine witnesses; to send for persons and papers in conducting said investigation.

3. *Be it further resolved*, That the enforcement of the provisions of said act, so far as they refer to and authorize the sale and conveyance of real estate for taxes, be, and the same is hereby, suspended for a period of sixty days from and after the passage of these resolutions.

Approved January 14, 1882.

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No. 16.

RESOLUTIONS in relation to the death of Gen. William O. Butler.

WHEREAS, The death of William O. Butler has been announced to this body; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the nation has lost a distinguished soldier, statesman, and patriot, and the State a wise counselor and trusted servant, and society a pure and honored member.

2. The great loss a nation sustains in the death of a man so illustrious and beloved cannot be measured with words. We leave his name and his fame to be handed to posterity by the historian, as his talents and services may entitle him, feeling

no apprehension that posterity will not underestimate the exalted virtues we knew him to possess.

3. We can only extend to the nation and our own State our sympathy for the loss we have sustained in common, and to his relatives now living expressions of condolence for their bereavement, which time cannot fully assuage.

4. That these resolutions be spread upon the Journals of the Senate and House of Representatives, and that a copy be sent engrossed, and forwarded to the brothers and sisters of the deceased.

5. That as an additional mark of respect to the memory of the deceased, this body do now adjourn.

Approved January 19, 1882.

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No. 17.

RESOLUTION in regard to the convicts engaged outside of the prison walls.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That a special committee, consisting of three on the part of the House, and two on behalf of the Senate, be appointed by the respective speakers thereof, who shall visit the convicts who are leased to contractors and worked without the walls of the penitentiary, shall investigate their treatment and management, ascertain whether or not they are clothed, dieted, and given medical attention, guarded, housed, and worked as required by law; and said committee will make full report of the result of such investigation to the General Assembly, and may report at any time. That said committee shall also inquire into the mode of punishment inflicted on said convicts, and the cause, if any, of self-mutilation on the part of convicts reported from time to time in the public press, and report by bill or otherwise.

Approved January 24, 1882.

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No. 18.

RESOLUTION in regard to the enumeration for re-districting the State into Legislative and Senatorial districts.

WHEREAS, The enumeration of the qualified voters of this Commonwealth required by article 3, section 6, of the Con-

## RESOLUTIONS.

stitution of Kentucky, made in the year 1881, for the purpose of regulating the apportionment of representation to be made by this General Assembly, is defective, and it is impossible to ascertain from the said enumeration, as reported by the Auditor of the State, the number of qualified voters in the several large cities of this Commonwealth, or in any of the districts or wards of said cities; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That a committee of one from the Senate and two from the House of Representatives be appointed to visit said cities, or such of them as may be necessary, and to ascertain from the local assessments or census tables, or other available sources, the number of qualified voters in said cities, and in the several districts or wards thereof.

Approved January 26, 1882.

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No. 19.

RESOLUTION in relation to the employment of counsel in the suit of the Commonwealth against the clerk of the Jefferson circuit court.

WHEREAS, By joint resolution of the General Assembly of the Commonwealth of Kentucky, No. 50, approved March 27th, 1880, "in regard to the circuit court clerks of Jefferson county," it is expressly made the duty of the Attorney General to prosecute the suit of the Commonwealth against said clerk and his sureties; and whereas, Thomas W. Bullitt and Alex. P. Humphrey are engaged in the prosecution of said suit; now, therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Attorney General is hereby required to inform the Senate immediately upon what terms, by what authority, and at whose expense they are employed in said case.

Approved January 26, 1882.

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No. 20.

A RESOLUTION concerning the charitable institutions of the State.

WHEREAS, An appropriation has been asked to complete the buildings for the Deaf and Dumb Asylum at Danville,

and for certain repairs upon the Central Lunatic Asylum at Anchorage; and whereas, it is important that the General Assembly be fully advised as to the condition of said institutions, and the necessity for the appropriations aforesaid; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That a committee of three, consisting of one from the Senate and two from the House, to be selected from the Standing Committees on Charitable Institutions, shall be appointed to visit the Institution for the Deaf and Dumb at Danville, and the Central Lunatic Asylum at Anchorage, and the Eastern Lunatic Asylum at Lexington, investigate the condition of said institutions, and report their conditions, and say what sums of money, if any, it will be necessary to appropriate for said institutions.

Approved January 26, 1882.

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No. 21.

RESOLUTION in regard to an extension of the session of the General Assembly.

WHEREAS, It is apparent that in the limited time now remaining of the constitutional term that measures of great public interest now pending before this General Assembly cannot be properly perfected and acted upon; a failure to perfect said legislation will act detrimentally to the public service; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the present session of the General Assembly be extended beyond the sixty days to which it is now limited by the Constitution.

Approved January 26, 1882.

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No. 22.

RESOLUTION in relation to the Life Saving Station at Louisville.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That as the present compensation is wholly inadequate to the services expected to be performed, that our Representa-

## RESOLUTIONS.

tives in Congress be requested to use every effort to secure an increase of pay to the officers and crew of the Life Saving Station at Louisville and other interior points, in order to render more effective the service in which they are engaged.

Approved January 27, 1882.

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No. 23.

RESOLUTION in regard to the Agricultural College.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the invitation extended by the Agricultural and Mechanical College, the city of Lexington, and the Lexington Chamber of Commerce, to his Excellency the Governor, and the General Assembly of the Commonwealth to be present at the inaugural ceremonies of said College, be, and the same is hereby, accepted, and that a committee consisting of four members, two to be appointed by the Speaker of the House, and a like number by the Speaker of the Senate, be, and the same is hereby, constituted to confer with the authorities extending said invitation, with a view of agreeing upon such a time for the inaugural ceremonies as may be most agreeable and convenient to this General Assembly.

Approved January 27, 1882.

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No. 24.

A RESOLUTION appropriating money for payment of organization.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That W. E. Railey, Sergeant-at-Arms of the House of Representatives, be, and he is hereby, allowed the sum of six dollars for Smith Johnson, four dollars for Mac. Phythian, and four dollars for young Lewis, for special services rendered by them, respectively, in the organization of House of Representatives.

Approved January 31, 1882.

## RESOLUTIONS.

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### No. 25.

**RESOLUTION** directing the employment of an additional page in the Senate.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Sergeant-at-Arms of the Senate may appoint one more page for the use of the Senate than the number now provided by law, whose per diem allowance shall be the same as that heretofore provided for by the act approved January 24th, 1880.

Approved January 31, 1882.

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### No. 26.

**JOINT RESOLUTION** concerning the per diem of Hon. W. N. Beckham, deceased.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant upon the Treasurer in favor of Mrs. Julia W. Beckham, widow of Hon. Wm. N. Beckham, late Representative from the county of Nelson in this General Assembly, for the per diem as such Representative that would have been due to him had he died on the day preceding the qualification of his successor.

Approved February 1, 1882.

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### No. 27.

**RESOLUTION** fixing a day for the election of Public Printer and Binder.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That on Friday, February 10th, 1882, at 12 o'clock, meridian, the General Assembly will proceed to the election of a Public Printer and Binder.

Approved February 2, 1882.

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### No. 28.

**RESOLUTION** in relation to the erection of a monument to the late Jno. M. Elliott.

**WHEREAS**, The honorable John M. Elliott, one of Kentucky's most noble and gifted sons, whilst one of the Appel-

late Judges of Kentucky, and whilst honorably wearing the judicial robe of said office to which he had been elected by a noble and generous constituency, was shot down in the city of Frankfort; and whereas, his unnatural and untimely death occurred at a time when he was most useful, and his services most needed to the State he loved so well, and at a time when his profound statesmanship and brilliant intellect had ripened and rounded into a glorious manhood, making him the equal of Kentucky's greatest and best men, universally loved and esteemed by the people of his mountain district without regard to party. It was but natural they should mourn his loss, for those who knew him best loved him most; and whereas, the remains of the immortal Elliott are deposited in the cemetery at Frankfort, Kentucky, without a tombstone or anything else near his grave to mark the last resting place and interment of the departed jurist and sage; and whereas, it is eminently right and proper that Kentucky should do honor and homage to the memories of her great and good men who have died, by erecting suitable and befitting monuments to their memories; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That a committee of five from the House and three from the Senate, appointed by the Speakers thereof, be appointed to estimate the probable cost of a suitable monument to be erected over the grave of the lamented Elliott in the cemetery at Frankfort, Kentucky; and said committee will report to this House, by bill or otherwise, as soon as practicable.

Approved February 11, 1882.

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No. 29.

RESOLUTION authorizing the employment of a clerk by committee to inquire into the treatment of convicts leased out under contract.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That the joint committee to investigate the treatment of the convicts leased out under contract be, and they are hereby, allowed the services of a clerk to report the testimony taken in the course of said investigation.

Approved February 18, 1882.



## RESOLUTIONS.

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### No. 30.

RESOLUTION directing salute to be fired on February 22d.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Adjutant General be, and he is hereby, directed to cause to be fired a salute of thirteen guns, beginning at 12 o'clock, noon, to-day, in honor of the birthday of George Washington, the father of his country.

Approved February 27, 1882.

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### No. 31.

RESOLUTION raising a joint committee in relation to apportionment for Congressional representation.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That a joint committee, consisting of one member of the House of Representatives from each of the present Congressional districts of the State, and of five members from the Senate, be appointed by the Speakers thereof, respectively, to reapportion and lay off the State of Kentucky into eleven Congressional districts, and said committee is directed to complete said work, and make report thereof to this General Assembly as early as practicable.

Approved March 2, 1882.

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### No. 32.

RESOLUTION in regard to the death of James A. Garfield.

WHEREAS, On the second day of July last James A. Garfield, President of the United States of America, fell by the bullet of an assassin, and, after a long and manful struggle for life, died the victim of the cowardly wretch who sought his life ; and whereas, the whole nation, from Maine to California, and from the Lakes to the Gulf, manifested the deepest abhorrence of the deed, the utmost solicitude for his recovery, the most ardent sympathy with his afflicted family, and the profoundest grief when the long conflict ended in the triumph of the last and greatest enemy of mankind ; and whereas, this sorrow and this solicitude were not confined to our own country ; but from other lands came

words of sympathy and condolence, and especially from the British Isles, to whose people we are so closely related by the ties of kindred and tongue, whose august sovereign mingled her tears and her sorrow with those of the mothers of America; and whereas, this chord of sympathy which vibrated throughout the nation embraced all that is great and good in our common humanity and in our common country, bringing together, in one common sorrow, those who had faced each other in the late unhappy strife in honesty and in honor on the hard fought fields crimsoned with the blood of America's bravest and truest sons; and whereas, in the oblivion of the past, over the bier of the illustrious dead, the great hearts of Kentucky shared the common grief, and partook of the common sorrow, beating in unison with the dirge which rose from hill and dale throughout the land; and whereas, this spontaneous tribute arose from a just appreciation of the deceased, from admiration of the heroic courage and invincible resolution which, under all difficulties, bore him on from the canal boat to the bar, from the bar to high official rank in the army, from the army to Congress, and from Congress to the Presidency of this great Republic; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That we express our sense of the great loss which the nation has sustained in the untimely death of James A. Garfield, President of the United States, and that we tender to his family the sympathy of the people of this Commonwealth.

*Be it further resolved,* That His Excellency, the Governor, be requested to transmit a copy of these resolutions to the family of the deceased.

Approved March 2, 1882.

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No. 33.

RESOLUTION for the relief of William Preston and the Texas Association, and the establishment of their rights under the acts of annexation admitting the State of Texas into the Union.

WHEREAS, The circuit court of the United States for the Fifth circuit and Western district of Texas, in the case of William Preston, complainant, *versus* William C. Walsh, Com-

missioner of the General Land Office of the State of Texas, defendant, did pass and enter a decree in equity, on the 26th of January, 1882, accompanied by an opinion declaring that the complainant and his associates were entitled to a large grant of land lying in the State of Texas, under a contract made between the Republic of Texas and Charles Fenton Mercer, and under an express trust, created in favor of Mercer and his associates by the compact of annexation under which said State was admitted into the Union, which created a case of the highest equity, pledging the public faith of the State of Texas to its execution, and holding further that it had no jurisdiction to extend full relief without the action of the political departments of the high contracting parties to said compact of annexation; and whereas, said William Preston and his associates, most of whom are citizens of this Commonwealth, entitled to its sovereign protection, have petitioned this General Assembly to take such measures as may be appropriate to secure the action of the political departments, as suggested by the circuit court of the United States; now, therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to adopt all proper measures to obtain from the political department of the United States such action as may be necessary to give full, adequate, and complete relief to William Preston and his associates, according to the views expressed by the circuit court of the United States in the case of William Preston, complainant, *versus* William C. Walsh, Commissioner of the General Land Office of the State of Texas, defendant, and to enforce said trust, created by the acts of annexation for the admission of the State of Texas into the Union, according to its true intent and meaning.

*Resolved*, That his Excellency the Governor may authorize the said William Preston, or his successors, to institute proceedings in the courts of the United States in the name of the Commonwealth of Kentucky, to prosecute their claim and enforce said trust according to the Constitution and laws of the United States, and to do all acts under the name and authority of the Commonwealth necessary therefor: *Provided*, That before such authority is exercised, the said William

## RESOLUTIONS.

Preston, or his successors, shall file a bond with sufficient sureties, to be approved by the Governor, to hold the Commonwealth of Kentucky harmless against all costs and expenses which may arise from the prosecution of said claim.

*Resolved*, That the Governor is hereby requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Approved March 10, 1882.

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No. 34.

RESOLUTION providing for the engagement of an architect to prepare plans for the enlargement of Central Lunatic Asylum.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Senate and House Committees on Charitable Institutions, at a joint meeting, are authorized to employ a competent architect to prepare plans and specifications for a new building, enlarging the Central Lunatic Asylum at Anchorage, and with sufficient capacity for the inmates of said institution, and report the same to this General Assembly: *Provided*, That said architect shall not be paid more than ten dollars per day, nor for a greater length of time than ten days.

Approved March 17, 1882.

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No. 35.

RESOLUTION of thanks to the officers and crew of the Life Saving Station at Louisville for heroic services in rescuing passengers and crew from the wreck of the steamer J. D. Parker.

WHEREAS, The General Assembly of the Commonwealth of Kentucky has learned with pride and gratification of the prompt and efficient action of the officers and crew of the Life Saving Station at Louisville in saving all the passengers and crew of the steamer James D. Parker, wrecked on the Falls of the Ohio, on Sunday, March 5th, 1882; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the thanks of this body are hereby tendered the officers and crew of the Life Saving Station at Louisville for

their noble, prompt, and efficient service, without awaiting the signal of distress, in saving all the passengers and crew of the steamer James D. Parker (nearly one hundred in number), wrecked on the Falls of the Ohio, on Sunday, March 5, 1882, and that the Governor is hereby requested to send a copy of this resolution to the officers of said Station.

Approved March 22, 1882.

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No. 36.

RESOLUTION in relation to the removal of the Capital.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Speakers of the two Houses shall appoint a committee, consisting of three members of the House to be appointed by the Speaker and two from the Senate to be appointed by the Speaker thereof, to consider and report the propriety and expediency of removing the seat of government from the city of Frankfort, and to consider and report a place to which it may be advisable to remove same.

Approved March 28, 1882.

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No. 37.

JOINT RESOLUTION raising a Joint Committee on Land Titles and the Land Office.

WHEREAS, The protection and preservation of the title to public lands, surveys, and records being of more direct importance and interest to the people of the State than any other matter upon which we may be called to act, and the same being looked after only by an occasional special committee of the General Assembly, it is therefore

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That a joint committee, consisting of two from the Senate and four from the House, be appointed by the respective Speakers as a Standing Committee on Public Lands and Records, whose duty it shall be to consider the Report of the Register of the Land Office, examine into the business of the office as managed under the present law, and report by bill any change or improvement in the law or system that may be

necessary to protect rights and records ; also to prepare and present a bill during this session providing relief to actual settlers whose surveys are impaired by a recent decision of the Court of Appeals.

Approved March 29, 1882.

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No. 38.

RESOLUTION authorizing the Superintendent of Public Instruction to have certain number of copies of his report printed for distribution.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Superintendent of Public Instruction is hereby authorized to have printed two thousand five hundred extra copies of his report for distribution.

Approved March 29, 1882.

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No. 39.

RESOLUTION to pay Clerks, &c., of Electoral College of Kentucky.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of James McAuliffe for thirty dollars, William French for fifteen dollars, and E. A. Tuttle fifteen dollars, the Clerk, Sergeant-at-Arms, and Door-keeper, respectively, of the Presidential Electoral College of Kentucky, respectively, which convened in Frankfort, Kentucky, in December, 1880, said sums to be paid out of any money in the Treasury not otherwise appropriated.

Approved March 30, 1882.

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No. 40.

RESOLUTION directing the payment of the burial expenses of Hon. J. H. Wilkinson, deceased, and the committee conveying and accompanying his remains to Cadiz for interment.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of

R. A. Burnett for the sum of one hundred and seventy-four dollars and seventy-five cents, being the amount of the burial expenses of Hon. J. H. Wilkinson, deceased, and expenses of the committee of Senate and House of Representatives in conveying and accompanying his remains to Cadiz for interment and return.

Approved March 30, 1882.

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No. 41.

RESOLUTION appropriating money to defray the expenses of joint committee to investigate the condition of convicts leased to labor without the walls of the Penitentiary.

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Auditor is hereby directed to draw his warrant upon the Treasurer in favor of Henry George for the sum of two hundred and fifty-one dollars and forty cents, to defray the expenses incurred by the joint committee appointed to investigate the condition of the convicts leased to contractors to labor without the walls of the Penitentiary, and to pay the charges of a short-hand reporter, to be paid out of any money in the Treasury not otherwise appropriated.

Approved March 30, 1882.

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No. 42.

RESOLUTION instructing Attorney General to bring suit against Warner, Tabler and Co., and Wm. Jones, for moneys due the Commonwealth.

WHEREAS, By the report of the directors of the Kentucky Penitentiary it appears that there is due the State of Kentucky by Warner, Tabler & Co. the sum of \$14,804.18, and by Wm. Jones the sum of \$30,062.50, which several sums of money are past due, and have not been paid into the Treasury; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That the Attorney General be, and he is hereby, required to institute such suits as may be necessary, and enforce the collection of the several sums of money due the State of Kentucky by Warner, Tabler & Co. and William Jones in as speedy a manner as possible.

Approved April 1, 1882.

## RESOLUTIONS.

## No. 43.

RESOLUTION appointing a joint committee in relation to any necessary legislation for the Land Office.

WHEREAS, It is the duty of the State to record the original evidences of the land titles of the people, and have them properly indexed, in order that a ready and indubitable reference may be made thereto; and whereas, it is represented by the official report of the Register of the Land Office that no plat and certificate of survey has been recorded in said office for more than thirty years, although the law requires them to be recorded, and although the State has been paid by the owners thereof to have it done; and whereas, it is represented that much of the indexing in said office is complicated, imperfect, and incomplete, so much so that the rights of individuals are involved in the uncertainty of finding records, and much unnecessary time is expended in looking for them; and whereas, it is represented that additional force is needed to place said office in business shape, and that other legislation is needed in reference thereto; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That a joint committee be appointed, to consist of three from the House and two from the Senate, whose duty it shall be to inquire into the affairs of the Land Office, and report by bills or otherwise any legislation needed for the same in the interest of the people of the State.

2. That said committee be allowed to report at any time.

Approved April 6, 1882.

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No. 44.

RESOLUTION to bestow two gold medals upon Edward Farrell and Joseph Martin, of the Life Saving Corps at Louisville, Kentucky.

WHEREAS, By an act of the General Assembly, approved February 16, 1880, three gold medals were bestowed upon Wm. Devan, John Gillooly, and John Tully, in grateful recognition of their heroic daring in rescuing many persons from drowning at the Falls of the Ohio river; and whereas, since that period two additional men have become members of that Life Saving Corps, and have been instrumental in saving a



very large number of lives at the imminent peril of their own; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That out of any funds not otherwise appropriated, there is hereby appropriated a sum not exceeding one hundred dollars (\$100), to be expended under the authority and direction of His Excellency the Governor, in causing to be struck and suitably inscribed two gold medals, one of which shall be by him or his authority presented to Edward Farrell, and the other to Joseph Martin, the additional members of the Life Saving Corps herein referred to and stationed at Louisville, Kentucky.

2. *Resolved*, That Auditor draw his warrant in favor of the Governor for the above sum on the Treasurer of the State.

3. This resolution to take effect from its passage.

Approved April 11, 1882.

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No. 45.

RESOLUTION in relation to *sine die* adjournment.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

That this Legislature adjourn *sine die* on the 24th day of April, 1882, at 2 o'clock, P. M.

Approved April 15, 1882.

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No. 46.

RESOLUTION directing the Committee on Retrenchment and Reform to bring in a bill stopping all unnecessary drains upon the Treasury, and regulating all fees and salaries regulated by the General Assembly.

WHEREAS, The protracted drouth of the past summer, followed by the unusual floods of this winter, has reduced many to want, and affected seriously the interest of a large majority of the tax-payers of this Commonwealth; and whereas, a reduction of the general expenses are necessary in order that the present rate of taxation may meet the current ex-

penses, and supply means to meet the deficit in the Treasury ; therefore, be it

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Committee on Retrenchment and Reform be instructed to prepare and bring in a bill stopping all unnecessary drains upon the Treasury; also regulating the fees and salaries of all officials whose fees and salaries are regulated by the General Assembly.

Approved April 17, 1882.

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No. 47.

RESOLUTION directing Auditor to pay F. M. Curl a certain sum of money.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of F. M. Curl for one hundred dollars, in payment for drawing plans and specifications for buildings at Central Lunatic Asylum.

Approved April 22, 1882.

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No. 48.

RESOLUTION directing the Auditor of Public Accounts to pay A. J. Beale, T. J. Duncan, and C. J. Walton certain sums of money.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of the following named persons for the amount set opposite their respective names, being the amount of expenses incurred by them in visiting and investigating the various asylums of the State, under the joint resolution of this General Assembly, viz: A. J. Beale, \$10; T. J. Duncan, \$8; C. J. Walton, \$5.

Approved April 22, 1882.

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### No. 49.

RESOLUTION directing Public Printer to print 200 copies of the law establishing the office of Railroad Commissioners, together with supplemental act thereto, for the use of the Commissioners.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Public Printer be, and is hereby, directed to print in pamphlet form 200 copies of the law establishing the office of Railroad Commissioners, together with the supplemental act thereto, for the use of said Commissioners.

Approved April 24, 1882.

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### No. 50.

RESOLUTION for the benefit of Mrs. C. M. Harwood.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant upon the Treasury in favor of Mrs. C. M. Harwood, widow of Hon. C. M. Harwood, for the balance due or that would be due Senator Harwood, up to and including the day of adjournment of this General Assembly.

Approved April 24, 1882.

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### No. 51.

RESOLUTION in favor of Mary E. Doneghy.

*Resolved by the General Assembly of the Commonwealth of Kentucky :*

That there shall be paid by the Treasurer, on warrant of the State Auditor, to Mary E. Doneghy, widow of Hon. Paul J. Doneghy, said late Representative of Boyle county, the per diem pay and other allowances that may be found due him from last payment until the adjournment of the present session of the General Assembly.

Approved April 24, 1882.

## RESOLUTIONS.

## No. 52.

RESOLUTION in favor of joint committee appointed to attend the funeral of the late Senator Chas. Harwood.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the sum of \$25.50 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of the joint committee appointed to attend the funeral of the late Senator Charles Harwood, and the Auditor is directed to draw his warrant on the Treasurer for the said sum of \$25.50 in favor of Cromwell Adair, chairman of said joint committee.

2. That this resolution be in force from its passage.

Approved April 24, 1882.

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No. 53.

RESOLUTION appropriating money for the purpose of erecting a monument over the remains of the late Judge John M. Elliott.

*Resolved by the General Assembly of the Commonwealth of Kentucky:*

1. That the sum of one thousand dollars be, and is hereby, appropriated for the purpose of erecting a suitable monument over the remains of the late Judge John M. Elliott, now interred in the cemetery at Frankfort in the lot owned by the State of Kentucky.

2. That the Governor of this Commonwealth is hereby authorized to appoint three commissioners to expend said money in the erection of said monument. Said commissioners are authorized to draw from the Treasurer said funds as they may desire it, and the same shall be paid by the Treasurer out of any funds in the Treasury not otherwise appropriated.

Approved April 24, 1882.

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LOCAL AND PRIVATE ACTS  
OF THE  
STATE OF KENTUCKY

PASSED AT THE REGULAR SESSION OF THE GENERAL  
ASSEMBLY, WHICH WAS BEGUN AND HELD IN  
THE CITY OF FRANKFORT ON MONDAY,  
THE TWENTY-EIGHTH DAY OF NO-  
VEMBER, EIGHTEEN HUN-  
DRED AND EIGHTY-  
ONE.

---

LUKE P. BLACKBURN, *Governor.*  
JAS. E. CANTRILL, *Lieut. Gov'r and Speaker of Senate.*  
W. C. OWENS, *Speaker of the House of Representatives.*  
JAMES BLACKBURN, *Secretary of State.*  
P. W. HARDIN, *Attorney General.*

---

CHAPTER 2.

AN ACT for the benefit of Mrs. Mary A. Crossland, of Graves county.

*Be it enacted by the General Assembly of the Commonwealth  
of Kentucky :*

§ 1. That the Auditor is hereby directed to draw his war-  
rant on the Treasurer for the sum of \$73.33½ in favor of Mrs.  
Mary A. Crossland, it being the amount due the late Judge  
Edward Crossland from the time he was paid up to his death.

§ 2. This act shall take effect from and after its passage.

W. C. OWENS,  
*Speaker of the House of Representatives.*  
JAMES E. CANTRILL,  
*Speaker of the Senate.*

Approved December 10, 1881.

LUKE P. BLACKBURN.

By the Governor:

JAMES BLACKBURN, *Secretary of State.*

## CHAPTER 4.

AN ACT to amend an act, entitled "An act to incorporate the Supreme Lodge of Protection Knights and Ladies of Honor."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Name.

§ 1. That an act, entitled "An act to incorporate the Supreme Lodge of Protection Knights and Ladies of Honor," approved April the 1st, 1878, be, and is hereby, amended as follows, to-wit: 1st. Strike out the words "of Protection," where they occur in the title and in the first section of said act. 2d. Strike out the words "members of the order known as the Knights of Honor, their wives, mothers, widows, and unmarried daughters or sisters over eighteen years of age," in the second section of said act, and insert in lieu thereof the words "all acceptable white persons, male and female," and strike out the word "one," in the sixteenth line of said second section, and insert in lieu thereof the word "five."

Qualification of members.

§ 2. This act shall take effect from and after its passage.

Approved December 14, 1881.

## CHAPTER 5.

A BILL to amend an act, approved January 1, 1852, entitled "An act incorporating the Newport and Covington Bridge Company."

WHEREAS, By the act above-mentioned the said Newport and Covington Bridge Company was authorized to construct one or more bridges across Licking river, from the city of Newport to the city of Covington, at such point or points as may be deemed best; and whereas, said company did construct a bridge between said cities, which bridge it is represented has become, by long use, and also because of the frail nature of the bridge, dangerous and unfit to accommodate safely the large vehicles heavily loaded with iron and other heavy freight which the increased business of the two cities has caused to cross said bridge; and whereas, it is desired by said Newport and Covington Bridge Company to replace the existing structure by a new bridge, reconstructed in part from the materials in the present bridge, upon the site now occupied by said bridge; and whereas, by careful estimate made by the directors of said company, it appears that it will be necessary to expend in and about the removal of

the present structure, and replacing the same with a new bridge sufficient in capacity and strength for said location, about the sum of one hundred and fifty thousand dollars (\$150,000); therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. For the purposes mentioned in the preamble, that the board of directors of the Newport and Covington Bridge Company are hereby authorized and empowered to issue bonds of said company to an amount not exceeding one hundred and fifty thousand dollars (\$150,000), if so much shall be required for the purposes mentioned in the caption. Said bonds shall be payable to bearer thirty (30) years from their date, or, at the option of said company, at any time after ten (10) years from said date. The interest on said bonds shall be payable semi-annually, at a rate not exceeding six per cent. per annum. Said bonds shall be issued in such denominations as said bridge company, by its board of directors, may prescribe. Said bonds shall have coupons attached thereto for payment of the semi-annual interest. Said bonds and interest thereon may be made payable either in the city of New York or at the office of said bridge company, or elsewhere, as said board of directors may determine. The bonds and coupons shall be signed by the president and secretary of said company, and the bonds shall have the seal of the company attached thereto. Said company may dispose of said bonds at not less than their par value, at such times and in such manner as, by said board of directors, may be deemed advisable. The entire proceeds derived from the sale of said bonds shall be applied for the purposes aforesaid, and for no other purpose. The board of directors at any time after ten years after the date of said bonds, shall have the right to pay the same off, in whole or in part, by giving public notice thereof published in some newspaper circulating in the cities of Newport and Covington, giving the number of the bonds in such notice called in for payment, and the time when and the place where they will be so paid. The mayor of Newport and the president of the city council of Covington shall each appoint from their respective cities one competent and suitable person, who shall advise with said board in the issuing and sale of said bonds. The president and board of directors of said Newport and Covington Bridge Company are hereby au-

thorized and empowered to make all necessary contracts, and to do whatever may be necessary to fully carry out the purposes mentioned in the preamble hereto, in addition to the powers conferred upon them by the original charter of said company. Said board of directors may reconstruct said bridge with or without piers as they may determine. Said structure and its receipts, after completion, are hereby pledged, after payment of its debts and running expenses, to the payment of the principal and interest of the bonds that may be issued under this act. Said bonds shall be exempt from taxation by said cities of Newport and Covington.

§ 2. The board of directors of said Newport and Covington Bridge Company shall set apart so much of the net revenue of said bridge as shall be sufficient to pay the interest on said bonds as the same becomes due; and a sinking fund shall be established out of the said net revenue sufficient for the payment of said bonds at maturity, or when called in for payment as aforesaid.

§ 3. This act shall take effect from and after its passage.

Approved December 14, 1881.

## CHAPTER 6.

AN ACT to incorporate Ezel Lodge, No. 550, F. & A. M., in Morgan county, in the town of Ezel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John S. Nickell, Master, R. M. Pieratt, S. W., and A. B. Pieratt, J. W., and their successors in office, as trustees, be, and they are hereby, constituted a body-corporate and politic, under the name and style of Ezel Lodge, No. 550, Ancient York Masons, and that the officers and members of said lodge and their successors shall so constitute and have perpetual succession; and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract and be contracted with, to answer and be answered, in all the courts of law or equity of this State or elsewhere; to make, have, and use a common seal, and break, alter, or amend the same at will.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real or personal estate to



any amount not exceeding \$10,000, and to dispose of and convey the same at will.

§ 3. The business affairs of said corporation shall be under the management and control of the three first named officers of the lodge, and their successors in office, whose duty as such shall be prescribed by a majority of the members of said lodge. Managers.

§ 4. The members of said corporation shall have power to pass such by-laws rules and regulations, not inconsistent with the Constitution of the United States or of the State of Kentucky, as the safe-keeping of the property or the interest of the lodge may require. By-laws.

§ 5. Notice to the three first named officers shall be legal notice to the incorporation. Notice.

§ 6. This act to take effect from and after its passage.

Approved December 14, 1881.

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### CHAPTER 7.

AN ACT to change the name of the Louisville Jockey Club and Driving Park Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Louisville Jockey Club and Driving Park Association, incorporated under chapter 56 of the General Statutes, shall hereafter be known and designated as the "Louisville Jockey Club." Name.

Approved December 14, 1881.

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### CHAPTER 8.

AN ACT to incorporate Champion Lodge, No. 248, Independent Order of Odd Fellows, of Knoxville, Pendleton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Noble Grand, Vice Grand, Secretary, and Treasurer of Champion Lodge, No. 248, Independent Order of Odd Fellows, and their successors in office, be, and they are hereby, created a body-politic and corporate, by the name of Champion Lodge, No. 248, of the Independent Order of Odd Fellows, and that they and their associates and shall con- Name.

tinue and shall have perpetual succession; and in that name are made capable in law as a natural person to sue and be sued, plead and be impleaded, contract and be contracted with, and shall have the right to sue and be sued in all the courts of law and equity in this Commonwealth; to make and use a common seal, and the same to break, alter, renew at pleasure. Said corporation may make regulations and by-laws for their government, and may alter and renew the same and amend the same at pleasure: *Provided*, The same are not contrary to the Constitution of the laws of the United States or the State, and not inconsistent with the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838. The said corporation shall have power to acquire, by gift, purchase, or donation, real and personal estate not exceeding ten thousand dollars in value, and to sell and convey, by order of said lodge, in such manner as may be directed by order entered upon the books of said lodge, or any part of the same, and may re-invest the proceeds as the lodge by order may direct.

By-laws.

Powers.

§ 2. This act to take effect and be in force from and after its passage.

Approved December 14, 1881.

## CHAPTER 9.

AN ACT for the benefit of and to amend the charter of the Maysville Agricultural and Mechanical Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Selling liquors.

§ 1. That it shall be unlawful to sell spirituous, vinous, or malt liquors, or any mixture thereof, in any quantity or quantities whatever, either with or without license, on the grounds owned by the Maysville Agricultural and Mechanical Association, situate above Maysville, in Mason county, Kentucky, or at any place outside of said grounds east of the eastern boundary of the town of Chester, and within one half mile of the boundary of the grounds owned by the Maysville Agricultural and Mechanical Association; and any person thus offending shall be fined in any sum not less than twenty dollars nor more than fifty dollars, to be recovered,

for the use of the public school fund of Kentucky, before any justice of the peace of Mason county, as other fines are recovered for violations of the penal laws of this Commonwealth.

§ 2. *Be it further enacted*, 'That any person who shall wager, Betting.  
bet, or lose any money, property, or other thing of value on the grounds owned by said corporation, or outside of said grounds and within the boundary set forth in the first section of this act, shall be fined therefor the sum of fifty dollars for Fine.  
each offense, to be recovered, for the use of the public school fund of Kentucky, before any justice of the peace of Mason county, as other fines are recovered for violations of the penal laws of this Commonwealth.

§ 3. This act shall take effect and be in force from its passage.

Approved December 14, 1881.

## CHAPTER 10

AN ACT to revise and amend the charter of the city of Bowling Green.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That so much of the county of Warren as is embraced Boundary.  
in the following boundaries, to-wit: Beginning at a point on Barren river about one hundred yards below Bowling Green Woolen Mills at a marked stone; thence with an original and other lines of the Card estate to a marked stone at the upper or western corner of D. B. Campbell's former residence property; thence in straight line to a marked stone near the residence of F. G. Ragland; thence in a straight line to a marked stone on the west side of the old Double Springs road, including Arch Cook's former residence property; thence with the west side of said Double Springs road to the street running by Fred. Hespin's former residence, and in the rear of the Jacob Vanmeter property; thence with the west side of said street to the corner, including said Hespin property; thence in a straight line westwardly to a marked stone on the east side of the Brown's Lock county road, so as to inclose the residence of Gilbert Graham; thence with the east side of said Brown's Lock road towards the public square to a marked stone at the corner of the Thomas Whitten property; thence in a straight line to a marked stone in the Dish-

man Mill road, near the residence of J. W. Gorin ; thence in a straight line to a marked stone in the line of the Louisville and Nashville Railroad ; thence with the line of said railroad to the bridge on the Morgantown road over the railroad ; thence with the city or north side of said Morgantown road to its junction with the Russellville county road ; thence in a straight line to the Ogden College property ; thence with the rear line of said property to a marked stone in the Nashville turnpike ; thence in a straight line to the nearest corner of the Warren County Agricultural and Mechanical Association's property ; thence with said association's lines, inclosing all of its property, to a marked stone near the most northerly corner of said property ; thence in a straight line to a marked stone in the curve of the Bowling Green and Scottsville Turnpike ; thence in a straight line to a point on Barren river just above and inclosing the residence of Robert Strange ; thence with the meanderings of said river down stream to the beginning, is hereby declared to be a city, and the inhabitants thereof are created a body-corporate and politic forever with perpetual succession, by the name of the "City of Bowling Green," and by that name retaining and possessing the power to sue and be sued, plead and be impleaded, contract and be contracted with, in the name of the "City of Bowling Green;" to have and to use a common seal, and alter and change or renew the same at pleasure; to hold, enjoy, lease, sell, and dispose of any property now vested in the city of Bowling Green, or in any person or corporation for the use of said city, or which may hereafter be acquired, to the intent or purposes for which same was, is, or may be taken or granted, notwithstanding its locality; and in all suits against said city, services of process shall be upon the mayor, or, in his absence, upon the acting mayor *pro tem*.

Powers.

Process served.

## ARTICLE II.

§ 1. That the city of Bowling Green is hereby divided into three wards, defined and bounded as follows:

1st ward.

The first ward shall consist of all the territory of said city lying in the southern angle, bounded by Main and Mechanic streets

2d ward.

The second ward shall consist of all the territory of said city lying in the eastern angle, bounded by Main and Mechanic streets.

The third ward shall consist of all territory of said city 3d ward.  
not included in the first and second wards.

§ 2. The board of councilmen may, by ordinance, change New wards.  
said wards, or create new wards at any time in the future, as  
the public convenience demands, endeavoring to equalize the  
population as nearly as possible.

### ARTICLE III.

#### *Board of Councilmen.*

§ 1. That all legislative power herein granted and con- Council.  
ferred shall vest in a body known as and styled the "Board  
of Councilmen of the City of Bowling Green, Kentucky,"  
which shall consist of the mayor and four councilmen from  
each ward.

§ 2. The mayor and six councilmen, or, in the absence of Quorum.  
the mayor, seven councilmen, shall constitute a quorum for  
the transaction of any business; but a smaller number may  
adjourn from day to day, or time to time, and may com-  
pel the attendance of absent members, in such manner and  
under such penalties as may be prescribed by ordinance.

§ 3. No person shall be eligible to the office of councilman Qualifications.  
who is not a male citizen of the United States, of good moral  
character, who has not attained the age of twenty-one years,  
who has not resided in the city of Bowling Green for two  
years next preceding the day of his election, who is not a  
bona fide resident of the ward from which he shall be chosen,  
who cannot read and write intelligibly, who is not the owner  
of real estate situated in said city, unencumbered by lien or  
mortgage, for one year previous to the day of election, or  
who is interested directly or indirectly in any contract with  
said city, the terms, rates, or prices thereof being subject to  
modification or enforcement by said board of councilmen;  
and no person shall be eligible to said office who, at the time  
of his election, is indebted to said city, either as principal or  
surety, upon any bond executed to said city, or for taxes, and  
no collector or keeper of city funds shall be eligible until he  
shall have settled with said city, and obtained a discharge in  
full.

§ 4. The board of councilmen shall, at its first regular Returning board.  
meeting in January of each year, appoint a committee of  
three from the members of the board having the longest  
time to serve, to whom shall be referred all returns for the

election of mayor and councilmen, and said committee shall meet within three days after an election is had for mayor or councilmen, and canvass the returns, and shall also inquire into the qualifications of the candidates for mayor and councilmen, and shall report to the next regular meeting of the board of councilmen the names of the candidates receiving the highest number of votes, and shall certify whether or not each of the candidates reported by them as having been elected possess the requisite qualifications for the offices to which they have been elected, as required in this charter. Upon the coming in of this report, the board shall, by resolution, declare the result of the election, and decide who is entitled to the respective offices. If the board, from the report of the committee on elections, or otherwise, is of the opinion that any of the persons receiving the highest number of votes is not possessed of all the qualifications required herein, it shall declare the election of such person void, and proceed to fill by appointment the vacancy thus caused.

Vacancy filled.

§ 5. The board of councilmen shall be the sole judge of the qualifications, election, and returns of the mayor and councilmen, and shall determine all contested elections.

Contested elections.

§ 6. If any member of the board of councilmen shall remove from the city, or if any councilman shall remove out of the ward from which he was chosen, or if, from any cause whatever, any member of the board of councilmen shall be deprived of or cease to possess any of the qualifications required herein, such member shall forfeit his office, and his seat as a member of the board of councilmen shall be thereby vacated, and the vacancy so caused shall be ascertained by a resolution of said board reciting the cause of the forfeiture; but no such resolution shall be adopted until after the member shall have had ten days' notice from the city attorney of the intended proceeding.

Vacancy—how filled.

§ 7. The councilmen shall be divided into two classes, as now provided by law, so that two councilmen from each ward may be annually elected; and the councilmen elected at the regular election in December shall begin the duties of their offices and take their seats as members of the board of councilmen on the first Monday in January next succeeding their election. The councilmen, before entering upon the duties of their offices, shall take the oath of office prescribed in the Constitution of the State.

Councilmen—classes of.

Oath.

§ 8. The board of councilmen shall have control of the finances and of all property, real and personal, of the city, and shall have full power to levy and collect a revenue for the city of Bowling Green, to appropriate the money of the city to its improvement, and current and necessary expenses, to provide for the payment of its debts, and for the general protection and defense thereof, and to make, publish, amend, and repeal all ordinances or resolutions for the following purposes, to wit :

Finances.

Revenue.

Debts.

Ordinances.

*First.* To erect and establish market-houses, market-places, hospitals, engine-houses, council house, city jail or station house and work-house, to repair, remove, or rebuild same, or to build new ones, and to prescribe rules and regulations for the use and management thereof, and to prescribe the time and manner of vending produce and provisions in such market-house and market places.

*Second.* To establish a board of health for said city, and to invest it with such powers, and to impose upon it such duties as may be deemed necessary to preserve the health of said city, and to prevent the introduction and spreading of contagious or infectious diseases.

Board of alth.

*Third.* To prevent and guard against damage by fire; to purchase fire-engines and all needful apparatus; to organize fire companies, and regulate and govern same; to prescribe and regulate the duties and conduct of members of fire companies and other persons in relation to fires and property moved into the public streets or elsewhere to prevent its destruction by fire.

Fire department.

*Fourth.* To purchase, hold, and sell real estate within the limits of said city; also to purchase, hold, and sell real estate, either within or without the limits of said city, for the purpose of a potter's field, cemetery, and other purposes, not exceeding forty acres; also to purchase, hold, and sell personal estate and stocks in incorporated companies.

*Fifth.* To provide for and regulate the general police of said city, and to restrain and prohibit all kinds of gaming, and every kind of immoral or fraudulent practice, all tippling-houses and bawdy-houses, all disorderly or indecent conduct, and all disturbances of the peace and tranquility of the city, and to prohibit or license the retailing of spirituous, vinous, or malt liquors; to restrain and prohibit all disorderly houses, and gaming-houses and tables, and to authorize the

Police.

destruction of all instruments or implements of gaming, and to punish and prevent all drunkenness, breaches of the peace, carrying concealed deadly weapons, petty larceny, and all misdemeanors; to arrest, restrain, and punish all vagrants, mendicants, street beggars, common prostitutes, common gamblers, and suspected felons.

Nuisance.

*Sixth.* To regulate or prohibit bathing in Barren river opposite said city, or within the limits of said city, or within a half mile of the limits of said city.

*Seventh.* To abate and remove nuisances, to punish by suitable penalties the person or persons causing or permitting the same to exist or remain on his, her, their, or its premises, or both abate and punish, at discretion; and for the purpose of abating the same, or causing and compelling same to be abated, and punishing persons for causing, continuing, or suffering the same as aforesaid, the Board of Councilmen shall have jurisdiction over both land and water one mile beyond the limits of the city in all directions.

*Eighth.* To prevent all unnecessary and disorderly blowing of horns, ringing of bells, crying of goods, or other things, and all other unnecessary noises to the disturbance of the citizens.

*Ninth.* To regulate the training or breaking horses, or exhibiting stallions and jacks and bulls in the public streets or places of the city.

*Tenth.* To prevent horse-racing and immoderate riding or driving of horses or other animals in the streets, and to prohibit any person or persons having charge of horses or mules from leaving them in the streets or other public places in said city while in gears, without first unfastening the chains or traces by which they may be hitched or attached to the vehicle, or without by some means securing them, so they cannot run away with said vehicle.

*Eleventh.* To prevent or regulate the encumbering and obstructing of streets, alleys, sidewalks, wharves, landings, market-places, public grounds and buildings with any vehicles, substance, or material whatever; and to prohibit persons from trespassing upon or injuring public grounds or buildings, and from riding, leading, or driving any animal or vehicle upon or across any sidewalks, or in any manner injuring the same, and from digging up the streets, alleys, and



public commons, or in any manner unnecessarily injuring the same.

*Twelfth.* To regulate or prohibit the running at large of cattle, horses, hogs, and other animals, and to authorize the distraining, impounding, and selling of same for the penalty incurred, and the costs of proceeding.

*Thirteenth.* To prevent, restrain, or regulate the running at large of dogs, and to authorize the killing of same when at large contrary to the ordinances of said city.

*Fourteenth.* To prohibit the flying of kites, playing at ball or long bullets, shooting or using fire-arms or fire-crackers, or unnecessarily using any other thing having a tendency to annoy or endanger, injure, or destroy persons or property within said city, or to frighten teams or animals of any kind within said city.

*Fifteenth.* To compel all persons to keep the snow and mud, ice, dirt, and trash of all kinds off their sidewalks, and to clean and keep clean the gutters in front of and the gutters and alleys in rear of premises occupied or owned by them, and to provide for the removal of all garbage.

*Sixteenth.* To direct the location of all powder-houses, slaughter-houses, soap factories, distilleries, tanneries, tallow chandleries, pork-houses, and all other houses which may detract from the health or comfort and convenience of the inhabitants of said city, and if deemed necessary to prohibit altogether the erection or continuance of any such houses, shops, or trades within the limits of said city.

*Seventeenth.* To prohibit and prevent or regulate the erection of wooden buildings in such parts of the city as they may think proper; to regulate and prescribe the manner of the construction or erection of chimneys, fire-places, stove-pipes, and flues.

*Eighteenth.* To regulate the burial of the dead, and to prohibit the same within the limits of the city, except within the public burying-grounds; to provide public burying-grounds, and to regulate the management thereof; to provide for the keeping of bills of mortality, and returning the same at times and places appointed for that purpose; to impose suitable fines and penalties upon physicians, sextons, and others for any default in keeping and returning the same.

*Nineteenth* To establish and regulate public scales and gauging, and the place and manner of selling and weighing lime and coal and other merchandise or live stock.

*Twentieth.* To compel persons present to aid in extinguishing fires, or in the preservation of property liable to be destroyed or stolen; to compel all owners of buildings to have scuttles on their roofs, and stairs or ladders leading thereto, and through their officers or agents to enter into and examine all dwellings, lots, yards, inclosures, and buildings of every description, to ascertain their condition for health, cleanliness, and safety; to take down and remove buildings, walls, or superstructures that are or may become dangerous, or require owners to remove them or put them in secure condition at their own expense; to regulate the storage of gunpowder or coal oil and its products, baled hay, hemp, cotton, and other combustible materials, the use of lights in stables, shops, and other places in the city; to remove or prevent the construction of any fire-places, chimneys, stoves, ovens, boilers, kettles, or any apparatus, and in any house which is liable to cause fires, and to direct the disposition of ashes.

*Twenty-first* To grant the right of way over the public streets and other public places and grounds of the city to any railway company for railway purposes, for such time and in such manner and upon such conditions as it may deem proper, and shall have supervisory control over the use of same, and shall regulate the speed of trains of cars or of locomotives through or in said city, and the obstruction of streets by the cars or locomotives of any railway company.

*Twenty second.* To define by ordinance what shall constitute peddling, and declare who are or shall be deemed peddlers.

Work-house.

*Twenty-third.* To provide or erect a work-house, and make rules and regulations for the government thereof; and all persons fined in the city court for any offense committed in said city, and failing to pay or replevy such fine and the cost of prosecutions assessed against them, shall be confined in the city work-house at labor, or put to work upon the streets, alleys, or any public improvements of said city or in the jail of Warren county, as may be specified in the judgment of said court, and shall be thus confined at least two days for each dollar of such fine and costs.

*Twenty-fourth.* To establish, support, and regulate policemen, night-watches, and patrols, and prescribe their duties and compensation.

*Twenty-fifth.* To provide for the lighting of the streets, Light: council-room, and other public buildings, rooms, and offices with gas or other material.

*Twenty-sixth.* The board of councilmen shall have power to Licenses. tax and exclusive right to issue license for the exhibition or performance of, all shows, circuses, menageries, theatrical exhibitions, panoramas, concerts, and all other public exhibitions, entertainments or amusements shown, exhibited, performed, or delivered in said city, or within a half mile of the limits of said city; also the right to tax, and exclusive right to grant to or withhold from any person license to sell or barter spirituous, vinous, or malt liquors at wholesale or retail; also the right to tax, and exclusive right to license all merchants, grocers, dealers, and all other persons and companies engaged in the purchase, manufacture, or sale of goods, wares, or merchandise of any kind or description, or live-stock of any kind; all livery stables, tobacco factories or warehouses; all hotels, taverns, restaurants, boarding-houses, and coffee houses; all carts, wagons, drays, hacks, and other vehicles, and porters plying in said city for hire; also the right to tax and license all lawyers, physicians, surgeons, dentists, real estate agents, insurance agents, and companies, architects, civil engineers, and all other persons engaged in any business, occupation, or profession in said city, except ministers of the Gospel, and except such incorporated companies as by the term of their charters are exempt from license and taxation: *Provided.* Such charters were granted by the Legislature of Kentucky; and said board of councilmen shall have power to charge and collect such fees for any of the licenses authorized to be issued herein, and prescribe such penalties for transacting any business for which a license is required without having paid the fees and obtained license therefor as it may deem advisable, and the payment of such fees shall not be construed as the payment or release or exemption from the assessment and collection of taxes upon any of the property of such persons, but only as a permit to carry on such business, occupations, or professions; and in granting such licenses as by this act the board of councilmen is authorized to grant, said board may annex to the licenses.

such terms and conditions as in its opinion the peace, good order, and general interest of the city may require. No license shall be granted for a longer time than one year, but may be for a shorter time, in the discretion of the board of councilmen.

**Debts.** *Twenty-seventh.* The board of councilmen shall not make or create a debt against the city, and payable during the current year, that cannot be liquidated out of the revenue of that year.

**Remission of fines.** *Twenty-eighth.* The board of councilmen shall have the power to remit any fine, penalty, or forfeiture incurred or imposed by law or by ordinance of the city, and discharge from the work house, or other place of confinement, any person confined therein for violation of any of the ordinances of the city.

**Paupers.** *Twenty-ninth.* The board of councilmen shall have power to provide for the maintenance and care of the poor of the city, and if the board shall undertake to care and provide for the poor of the city separate from the county, the board of council and the county court are empowered and authorized to make such contract and arrangement between themselves as shall be equitable and just touching the expense of providing for the poor of the county and the poor of the city.

**Ordinances. Publication.** *Thirtieth.* All ordinances adopted by said board of councilmen shall be published in some newspaper printed in said city; but the publication or non-publication of any ordinance shall in no manner affect its validity.

**Meetings.** *Thirty-first.* The board of councilmen shall, by ordinance, fix the time and place of its meetings, and said board shall meet at least once in each month, and as much oftener as the interests of the city may require, and shall meet upon its own adjournments, and shall determine the rules of its proceedings, and may enforce the attendance of its members, and punish members for disorderly behavior by such regulations and penalties as it may prescribe, and may fix such compensation for attendance at the regular meetings of said board as it may deem advisable: *Provided,* The compensation shall not exceed three dollars for each member in attendance at any regular meeting.

**Compensation.**

#### ARTICLE IV.

##### *The Mayor.*

**Style.** § 1. *First.* That the chief executive of said city shall be known as and styled "The Mayor of the City of Bowling

Green, Kentucky," and shall begin the duties of his office on the first Monday in January next succeeding his election, and shall hold his office for a term of two years, and until his Term. successor is elected and qualified.

*Second.* No person shall be eligible to the office of mayor Qualifications. of the said city unless, at the time of his election as such, he is eligible to the office of councilman, and is twenty-five years of age, and has been a resident of said city for two years next preceding the day of his election, and is a citizen of the United States, and has served as mayor or councilman for a full term of two years.

*Third.* Before entering upon the duties of the office of Oath. mayor, the person elected shall take the oath prescribed for officers by the Constitution of Kentucky, and execute bond, with good security, to be approved by the board of councilmen, conditioned that he will faithfully perform the duties of mayor, and pay over all moneys or property that may come into his hands, with such other conditions as may be prescribed by ordinance.

*Fourth.* It shall be the duty of the mayor to preside at all Duties. meetings of the board of councilmen; to give the casting vote on all questions and elections when there shall be a tie; but he shall have no vote otherwise. He shall be a conservator of the peace; may arrest offenders against the penal laws of the city and of the Commonwealth in view, and summon a *posse comitatus* to his aid, if necessary. He shall exercise a strict supervisory control over the public affairs of the city; see that the ordinances of the city are duly enforced and observed, and that each officer of the city properly discharges his duty, and cause to be impeached any one of them who may prove derelict. He shall take the necessary steps, and is empowered with due authority to suppress all riots, insurrections, and disorderly meetings. He shall sign all commissions, licenses, and permits granted by authority of the city, and perform all such duties, and exercise such powers as may, from time to time, be confided to him by the laws and ordinances of the city, or that may otherwise pertain to the office of mayor.

*Fifth.* The mayor shall have power, at any session of the board of councilmen, to enforce good order and decorum, and to punish contempts, the same as is now given by law to presiding judges of county courts.

*Sixth.* He may require information, in writing, at any time, from any of the officers of said city, upon any subject pertaining to the duties of their respective offices.

Message.

*Seventh.* He shall, at the first meeting of the board of councilmen in January of each year, and every three months thereafter, give to said board information, in writing, of the state and condition of the city, and recommend to its consideration such measures as he may deem expedient.

*Eighth.* He may call special sessions of the board of councilmen when, in his judgment, it may be necessary or expedient, and shall do so when requested, in writing, by two members of the board of councilmen.

*Ninth.* He shall have the same power to administer oaths, and give certificates thereof, that clerks of the county or circuit courts now have.

Mayor, pro tem.

Duties.

*Tenth.* The board of councilmen shall, at its first meeting in January of each year, or as soon thereafter as practicable, elect one of its members mayor *pro tem.* for the year, and such member shall, in the absence of the mayor, preside at the meetings of said board; and in case of the death, resignation, or removal of the mayor, or inability to perform the duties of the office, said mayor *pro tem.* shall, during the absence of the mayor, or existence of such disability or vacancy in the office, perform all the duties, and shall have and exercise all the powers vested or to be vested in the mayor: *Provided,* That no person succeeding to the office of mayor shall receive, collect, or control any money or other property of the city until he has executed bonds for the faithful performance of the duties of the office, and the bonds shall have been approved by the board of councilmen.

Bond.

Treasurer.

Bond.

*Eleventh.* The mayor shall be *ex officio* treasurer of the city until otherwise provided by ordinance; and he shall execute bond with good security, to be approved by the board of councilmen, to faithfully account for and pay over all the moneys or other property of the city that may come into his hands as treasurer. This bond shall be in addition to the bond required of him as mayor; and upon the failure to execute either of the bonds, with sufficient security, as required in this article, on or before the first Monday in January succeeding his election, he shall forfeit his office, and the board of councilmen may summarily declare the office vacant, and proceed to fill the vacancy thus created; but the board of

Vacancy.

councilmen may, for good cause shown, extend the time for the execution of the bond: *Provided*, Such extension shall not be longer than ten days from the first Monday in January.

#### ARTICLE V.

##### *Revenue and Taxation.*

§ 1. *First.* That the board of councilmen shall have power Taxation.  
each year, to levy, assess, and collect taxes on the value of all estate, real, personal, and mixed, and choses in action held, owned, possessed, used, and employed or controlled in said city. But such taxation shall be uniform on each description of property assessed, and shall not exceed one dollar on each one hundred dollars' of such valuation in any one year for all purposes, except for the erection of school buildings and other school purposes. And said board shall also have power to levy, assess, and collect a poll-tax of not exceeding four dollars on each male inhabitant of said city over twenty-one years of age; and all property shall be listed for taxation as of the tenth of January of each year.

*Second.* Said city shall have a perpetual lien on all property Lien.  
assessed for taxation, and on any other property of each taxable person until the payment thereof, which lien shall not be defeated by gift, devise, sale, alienation, or any other means whatever.

*Third.* The board of councilmen shall have the power to provide by ordinance for the assessment and taxation of any store or other place of business where goods, wares, or merchandise is sold or exchanged, that may be opened or commenced at any time subsequent to the tenth day of January in any year: *Provided*, That in no case shall the tax assessed and levied be greater or less than the ratable amount (as compared with other assessments) in proportion to the time the same may be kept open or continued.

##### *Assessor.*

§ 2. *First.* The board of councilmen shall, at the first Assessor.  
regular meeting in January, 1882, and every two years thereafter, appoint an assessor, who shall hold said office for the term of two years, or until his successor is appointed and Term.  
qualified: *Provided*, That no person shall be appointed who Qualifications.  
is not, at the time of his appointment, a resident and qualified

voter of said city, and bona fide owner of real estate situated in said city.

Assistant assess-  
or.

*Second.* The assessor may, by and with the consent of the board of councilmen, appoint an assistant, but the assessor shall be responsible for the acts of the assistant assessor.

Oath.

*Third.* The assessor and his assistant, before they or either of them enter upon the duties of the office, in addition to the oath prescribed in the Constitution, shall also take the following oath: "You do swear that you will fix a fair and full value on all the property listed by you, without favor or partiality; that you will diligently search and inquire, so that no person shall be passed over or shall fail to have an opportunity to give in his list of taxable property; and that you will truly report all persons who shall fail or refuse to give in a list of their taxable property after being duly called on for that purpose; or who have given in a false or fraudulent list, or refused to give in the amount of their residuary estate as required by law, so help you God."

*Fourth.* The assessor shall, before entering upon the duties of his office, give bond to the city, with good security, for the faithful discharge of the duties of his office, which bond shall be recorded by the city clerk; and for a violation or breach of it by himself or his assistant, action may be instituted on it by the city, or any person aggrieved, and recovery had thereon, from time to time, to the extent of the injury sustained.

*Fifth.* He may begin the duties of his office on the tenth day of January in each year, and shall complete his list and return his books to the city clerk by the third Monday in March in each year.

*Sixth.* The assessor and his assistant are authorized to administer the oaths required to be taken by persons whose property is required by law to be listed for taxation.

Duties.

*Seventh.* The assessor or his assistant shall administer to every person listing property the following oath, before proceeding to list the property: "You do swear that the list of taxable property, about to be given in by you, shall contain a full and complete list, and the best description of the same you can give of all and every species of property belonging to you, or in your possession, subject to taxation, on the tenth day of January of this year; and that no removal of property or omission has been made, or any method or device



adopted or practiced, whereby to evade the payment of taxes by you; and that you will true and perfect answers make to such questions as may be asked you concerning your taxable property, or that of others, in your possession, or under your control, or about to be listed by you for them."

*Eighth.* If, in the opinion of the assessor or his assistant, there shall be an error in any list, it shall be his duty to note the same on the tax-book, and to call the attention of the board of councilmen thereto.

*Ninth.* The headings of the tax-list shall be as follows, sub- Tax list.  
 ject to any addition or change, by ordinance of the board of councilmen: Name; male persons over twenty one years of age; number of hogs; value of hogs; number of cows and calves; value of cows and calves; number of horses and mares; value of horses and mares; number of mules; value of mules; number of studs, bulls, and jacks; value of studs, bulls, and jacks; number of dogs; tax on dogs; number of wagons, carts, and drays; value of wagons, carts, and drays; value of household and kitchen furniture; number of pleasure carriages, buggies, stage coaches, omnibuses, or other vehicles for passengers; value of pleasure carriages, buggies, stage coaches, omnibuses, or other vehicles for passengers; number of watches and clocks; value of watches and clocks; number of pianos and other musical instruments; value of gold and silver plate, including plated ware; value of goods, wares, and merchandise, and stock in trade on the tenth day of January; other property not already mentioned subject to taxation; value of cash, promissory notes, bonds, stocks, mortgages, &c., not exempt from taxation; city lots, improved and unimproved, where located, giving the street or streets, number of feet fronting on any street, and giving a particular description of the lot or lots; value of city lots.

*Tenth.* The assessor shall, from his own knowledge, from Duties.  
 the statements of the persons listing property for taxation, and such other evidence as he may be able to obtain from statements of witnesses under oath, fix a full and fair value upon all the property listed with him for taxation, and enter same, with the value or amount thereof, in the order and manner prescribed herein, giving also the aggregate value. The assessor shall return the lists of white and colored persons separately, but in the same book.

*Eleventh.* It shall be the duty of the assessor to attend all the meetings of the supervisors of the tax-book.

Delinquents.

*Twelfth.* If any person fail or refuse to give a list of his taxable property, when legally called upon for that purpose by the assessor or his assistant, or give a false or fraudulent list, or refuse to give the full amount of cash, promissory notes, &c., and such bonds or stocks as are not exempt from taxation, he shall be reported to the board of councilmen as a delinquent.

Remedy.

Fine.

*Thirteenth.* The assessor, at the time he returns the tax-book, shall also return the names of all delinquents. Upon the return of the delinquents, the board of councilmen shall assess the property of said delinquents from the best information it can obtain, and cause the lists thus made to be entered on the tax-book, and the taxes collected thereon as if given in by the person to the assessor, and shall also direct the city attorney to institute proceedings, by warrant in the city court, against all of said delinquents; and each of said delinquents, if found guilty, shall be fined twenty dollars. In all trials under this section the defendant shall be allowed to testify in his own behalf.

*Fourteenth.* The assessor, having completed his lists, and made out the tax-book in fair, legible handwriting, in alphabetical order, with the amount of value of each column set down, and also the aggregate thereof correctly given, shall return the tax-book to the board of councilmen, with the indorsement that he returns said tax-book as containing a true and fair estimate of all the taxable property in said city, and a correct list of all the taxable inhabitants thereof, and that he has not received from any person a list of taxable property and returned the same until the person rendering the list had made oath to the truth of the schedule. This indorsement shall be sworn to by the assessor.

Vacancy.

*Fifteenth.* If the assessor should not return the tax-book by the third Monday in March, the board of councilmen may summarily declare the office of assessor vacant, and proceed immediately to fill the vacancy; or it may receive the book when returned, and proceed as if it had been returned at the proper time, and may fine the assessor ten dollars for every day after the third Monday in March that he failed to return the tax-book.

*Supervisors of the Tax-book.*

§ 3. *First.* It shall be the duty of the board of councilmen Supervisors. to appoint, annually, three persons, having the same qualifications as the assessor is required to have, as supervisors of the tax-book. One of the persons thus appointed shall be a member of the board of councilmen. Two of the super- Quorum. visors shall be a quorum for the transaction of any business.

*Second.* It shall be the duty of said supervisors to meet Duties. within three days after the return of the tax-book by the assessor, and, after being sworn to faithfully and impartially discharge the duties of their office, they shall examine, with care, the lists in the tax-book, and correct errors therein, whether of fact or in valuation of property, and indorse on the margin of said book the changes, if any, made by them, and shall enter on the tax-book any list that may have been omitted by the assessor; and after completing their examination and correction of the lists, they shall return the tax-book to the clerk of the city.

*Third.* The clerk of the city shall then prepare a notice for each person whose list has been increased in any way, giving the class or description of property which has been raised in value or increased in any amount, and giving the time and place when and where the supervisors will meet for the purpose of hearing complaints; and he shall place said notices in the hands of the marshal of the city to serve on the parties interested. Said notices may be served on the persons entitled to receive same in the same manner that notices are required by law to be served.

*Fourth.* It shall be the duty of said supervisors to meet again not less than five nor more than ten days from the time of the delivery of the tax-books, with the changes made by them, to the clerk, at the mayor's office, or at some convenient place in said city, to receive and hear complaints against the improper listing or valuation of any property by the assessor or by said committee. Notice shall be given of the time and place of their sittings for the purpose of hearing complaints, by publication in the newspapers, or by printed handbills, or both, as the board of councilmen, by resolution, may direct. Said committee, for the purpose of hearing complaints, shall remain in session not less than three days; and the notice shall state the number of days they will be in session. They may require persons to appear

before them, and shall have power to swear witnesses, and examine them concerning the amount or value of any tax-list. The statements of witnesses made before them shall be reduced to writing, and returned with the tax-book.

*Fifth.* The board of councilmen shall, by ordinance, fix the compensation of the supervisors of the tax-book, which shall not be more than three dollars per day, for the number of days actually engaged, and also prescribe suitable penalties for persons failing to serve as supervisors when appointed.

*Sixth.* The mayor shall have power to excuse, for good cause shown, any person from serving as a supervisor, and also power to fill all vacancies in the board of supervisors.

*Seventh.* The supervisors having completed their work, shall return the tax-book to the city clerk, who shall submit same to the board of councilmen; and said board shall have power to make such changes in the assessment or valuation of any list as may be just and equitable; and any person aggrieved by any action of the assessor or the supervisor of the tax-book, may appeal to the board of councilmen. After the tax book shall have been amended or changed as above, the board of councilmen shall, by resolution, accept the tax-book, and place it in the hands of the clerk of the city to be copied.

#### *Tax Collector.*

§ 4. *First.* That the board of councilmen shall, at its first regular meeting in January, 1882, and every two years thereafter, appoint a tax collector for said city, who shall hold his office for the term of two years, or until his successor is appointed and qualified.

*Second.* No person shall be eligible to the office of tax-collector who has not been a citizen and qualified voter of said city at least two years previous to his appointment.

*Third.* It shall be the duty of said collector, on or before the first regular meeting of the board of councilmen in May, of each year, to execute a bond to said city, with good and sufficient security, conditioned that he shall collect, account for, and pay into the city treasury all taxes and public dues directed or authorized by law to be collected and received by him; and that he shall, at such times as he may be required by the board of councilmen, report his acts and doings as collector, and account for and pay into the city treasury such sums as may be in his hands at such times as may be pre-

scribed by ordinance; and that he will, whenever required by said board, make settlement and pay into the city treasury all sums for which he may be bound; and that he shall faithfully perform all the duties pertaining to the office of tax-collector; and said collector shall give a new bond as such officer, or additional security upon his old bond, at any time when required by said board so to do.

*Fourth.* In case said collector shall fail to give the bond required by law on or before the first regular meeting of the board of councilmen in May, his office shall be declared vacant, and his successor shall be immediately appointed. Vacancy.

*Fifth.* It shall be unlawful for said collector to enter upon the duties of his office until he shall have first taken the oath required by law, and executed the bond as required herein. The penalty for a violation of this section shall not be less than five dollars nor more than fifty dollars for each day's continuance of the offense. Oath.  
Penalty.

*Sixth.* As soon as the assessor's book shall be revised, received and filed, and the rate of taxation shall be fixed by the board of councilmen, it shall be the duty of the city clerk, as soon as practicable, and within thirty days thereafter, to make out, in a well-bound book, suitable for the purpose, in alphabetical order, the names of all tax-payers, as shown by the assessor's book, and set opposite thereto the amount in value, according to said assessor's book, of the real and personal estate assessed against each respective tax-payer, and also the exact amount of taxes, including poll-tax (if any), against each respective tax-payer in favor of said city, which book shall then be turned over to said collector; said clerk, with his certificate therein, stating that it correctly sets forth the amount of taxes due said city for that year from each tax-payer named in said assessor's book. It shall be the duty of said clerk also, before delivering said book to the collector, to take his receipt for the full amount of taxes due said city, which receipt shall be filed in the city clerk's office.

*Seventh.* When said tax-book is made out and delivered to the collector, he shall have power and authority to levy upon and sell any personal property of any tax-payer for the payment of the amount of taxes due from him to said city. Duties.

*Eighth.* The collector shall have the same power to collect taxes by garnishment as is now given to sheriffs of this Commonwealth by sections 1, 2, 3, and 4, article 9, chapter 92,

**General Statutes.** The notice prescribed in section 1, as aforesaid, shall summon the person owing the tax or taxes before the Bowling Green city court, and said court shall have the same power to hear and fully determine any garnishment for taxes due the city as the county courts have to hear and determine such cases for taxes due the Commonwealth.

*Ninth.* The collector, before making a levy for taxes, shall deliver to the tax-payer a written or printed notice of the amount of his unpaid taxes; and notice of tax due from a non-resident may be served upon his agent or attorney, or by sending same through the post-office, directed to the last known place of business or residence of such non-resident, or by publication in some newspaper published in said city.

*Tenth.* The collector, after he has seized the property of any tax-payer, shall advertise the same for sale for at least ten days, by posting a notice thereof at the court-house door in said city, stating the time and place of sale, and giving description of the property; and on the day of sale shall sell the same at public outcry, at the place named in said notice, to the highest bidder for cash, and apply the proceeds to the payment of the costs of sale and taxes, and shall pay the overplus, if any, to the owner thereof on demand.

*Eleventh.* If there be no personal property found in said city which the collector can distrain for taxes due, and the same shall not be paid by the first day of September, he may levy on any real estate belonging to or listed by such delinquent tax-payer, and sell so much thereof for cash as will pay all the taxes due, and his costs and commissions. But the collector, before selling real estate, shall advertise the same for at least ten days next preceding the day of sale, in some newspaper published in said city, giving a general description of the property, the amount of the tax due, the name of the owner of the property, and the time, terms, and place of sale. Such sales shall be made on the first day of some county or circuit court of Warren county for cash, at the court-house door; and if no one will bid for such real estate the amount of taxes due and costs of sale, it shall be the duty of the collector to purchase the same for the city, bidding therefor the amount of taxes due and costs of sale.

*Twelfth.* The collector shall, within two weeks after making sale of any real estate for taxes, render to the board of councilmen a full report of his proceedings therein, including a

list of the property sold, and of the names of the owners and purchasers, and a description of the property; and he shall also file a copy of the advertisement of the sale, and shall make affidavit that he has complied with all the requirements of the charter and ordinances of said city in regard to making the levies, advertising, giving notice to owners, and selling; which affidavit shall form a part of his report.

*Thirteenth.* The owner of such real estate, his agent, heirs, or assigns, shall have the right to redeem the same from the purchaser thereof by paying the purchase-money, with interest at the rate of ten per cent. per annum, and damages, to be fixed by the board of councilmen, not exceeding twenty per cent., at any time within two years from the day of sale. Any minor, married woman, or other person laboring under disability, shall have two years after the removal of the disability in which to make such redemption. But the committee or next friend of a person of unsound mind shall be allowed only five years from day of sale, or two years after notice, in writing, by the purchaser, to redeem the same, though such disability should continue longer.

*Fourteenth.* It shall be the duty of the clerk of said city to keep a well-bound book, in which he shall record all sales of real estate for taxes, showing the name of the owner, the name of the purchaser, a general description of the property sold, the amount of taxes for which sold, the date of sale, the amount of purchase price, and all necessary facts in relation thereto, for the information of the public. The clerk shall receive a fee of one dollar for recording each sale, to be paid by the purchaser.

*Fifteenth.* It shall be the duty of the collector to give the purchaser, at any sale of real estate for taxes, a certificate of purchase, giving a description of the land purchased and price paid for same. Any person whose real estate may be sold by virtue of this act, may redeem the same within the time prescribed by tendering the purchase-money, with interest and damages, to the purchaser or his agent; or, if he or agent refuse to accept the same, or reside out of the county, or is absent therefrom, he may pay the amount to the clerk, and take his receipt therefor, which shall be a valid payment. It shall be the duty of the clerk to record the payment and date thereof in the margin of the book heretofore provided for.

*Sixteenth.* When the time for the redemption of any real estate sold, as hereinbefore provided, shall have expired, the sale shall become final and absolute, and the collector making such sale, or his successor, shall execute a deed to the purchaser thereof.

*Seventeenth.* In all cases where the collector shall levy on real estate for taxes, it shall be his duty to evidence such levy, by writing, to the following effect: "By virtue of my office as tax collector for the city of Bowling Green, I have levied on the following described real estate (here give a description of the property), as the property of A B, to satisfy the unpaid taxes of the said A B, for the year —, in favor of the city of Bowling Green, and the costs of selling the same." When the collector makes sale of real estate, he shall indorse the date of such sale upon the same paper upon which his levy is written, and return the same to the clerk, who shall record it in a book provided by him for that purpose, and the original return of the collector shall be filed and preserved in his office.

*Eighteenth.* Any person or persons failing to pay their taxes by the first day of October in the year in which said taxes are assessed, shall pay five per cent. additional upon the tax so due and unpaid; and the collector shall have the same remedies against said delinquent tax-payer as provided by previous section of this act.

*Nineteenth.* It shall be the duty of the collector to take any tax-list he may find has been omitted from the assessor's list, and for every list so taken he shall be allowed fifty cents, to be deducted from the assessor's allowance; and the collector shall have power to collect the taxes thus listed by him by sale of property or otherwise, as if the same had been originally listed by the assessor.

*Twentieth.* The collector shall be allowed such commissions for the collection of the taxes of the city as the board of councilmen may, by ordinance, prescribe, and shall be allowed such fees for the service of notices of attachment and distraint of property and sales of property for delinquent taxes as are allowed sheriffs for similar services.

*Twenty-first.* The collector may, by and with the consent of the board of councilmen, appoint a deputy collector, who shall have the same power and authority as



the collector, and said collector shall be liable upon his official bond for all the acts of such deputy.

## ARTICLE VI.

### *City Court.*

§ 1. *First.* That the judicial power of the corporation shall be vested in, and exercised by, a court, to be styled "The Bowling Green City Court," which shall be held by one judge, to be styled the judge of the Bowling Green city court, who shall be elected as hereinafter provided. City court.  
Style.

*Second.* Said city court shall have exclusive original jurisdiction to hear, try, and determine finally all actions or prosecutions for violations of the ordinances of said city, and shall have concurrent original jurisdiction with the Warren circuit court to hear, try, and determine finally all prosecutions for misdemeanors against the laws of this Commonwealth, when committed within the corporate limits of said city; and shall have the same power and authority to enforce its orders and judgments as the circuit courts of this Commonwealth now have. The judge of said city court shall have jurisdiction to hold examining courts, and, as such, shall have the power and perform the duties of two justices of the peace; and for his services in presiding as such, in felony cases, shall receive the same compensation as is now allowed by law to two justices of the peace for similar services, to be paid as said justices' fees are now directed by law to be paid. Jurisdiction.

*Third.* The said city court, or the judge thereof, shall have concurrent original jurisdiction with justices of the peace of Warren county in all penal and criminal causes of which said justices now have, or may hereafter be given them by general law; and shall have concurrent original jurisdiction in all matters of law and equity within the limits of Warren county with justices of the peace of said county in all actions or proceedings for the recovery of money and personal property, when the matter in controversy, exclusive of interest and costs, does not exceed fifty dollars in value; and concurrent original jurisdiction with the Warren circuit court where the matter in controversy, exclusive of interest and costs, is over fifty dollars in value, and does not exceed, exclusive of interest and costs, one hundred dollars in value.

*Fourth.* If, in any action in the city court, except as herein provided, it shall appear, during the pendency thereof,

that the title to real estate is involved in the controversy, it shall be the duty of the court, on motion of either party to the action, to make an order transferring it to the Warren circuit court, and to deliver the original papers and certified copies of all orders made in said action to the clerk of said circuit court; but if judgment be rendered by the city court, the title to any real estate shall not be affected thereby.

*Fifth.* All appeals from the judgments of said city court in criminal and penal causes shall lie to the Warren circuit court; but no appeal shall be taken, unless the judgment shall exceed twenty dollars, exclusive of interest and costs; but the city of Bowling Green shall be entitled to an appeal from any judgment of said city court deciding against the constitutionality or validity of any portion of this charter, or any of the ordinances of said city; and said appeal may be either to the Warren circuit court or directly to the Court of Appeals.

*Sixth.* The judge of said city court shall have authority to issue and try writs of forcible entry and detainer, and take depositions; and for his services in taking depositions shall be entitled to the same fees as examiners are now allowed by law. He shall have power to grant injunctions, restraining orders, attachments, and writs of *habeas corpus*; for issuing and granting any of which he shall be entitled to the same fees now allowed by law for similar services.

*Seventh.* All proceedings in and process from said city court, in all prosecutions for violations of city ordinances, shall be in the name of said city; and in all prosecutions for misdemeanors against the laws of this State shall be in the name of the Commonwealth of Kentucky; but all fines, judgments, and forfeitures of said court, whether for violations of city ordinances or the laws of the State, shall be for the use and benefit of said city: *Provided*, The offenses against the State laws, upon which said fines, judgments, and forfeitures are rendered, are committed within the limits of said city; all other fines, judgments, &c., in said court in criminal and penal actions to be for the use and benefit of the Commonwealth of Kentucky.

*Eighth.* All process in civil and penal causes shall be made returnable to the city court, or before the judge thereof, and may be directed to the city marshal, constable, sheriff, or any peace officer of Warren county; and a policemen of said city

shall be deemed a peace officer, so far as the service of process in criminal and penal causes is concerned.

*Ninth.* The judge of the city court shall have the same powers and authority to enforce order and decorum in said court, and compel the attendance of witnesses, and punish for contempt, as the circuit judges of this Commonwealth. Contempt.

*Tenth.* The city court shall be holden at the court-house in said city, or at such place as the board of councilmen, by ordinances, may designate. The judge thereof shall have the power to fix such times for holding said court for the trial of criminal and penal causes as the number of cases coming before said court may, in his discretion, seem to require.

*Eleventh.* The regular terms of said city court for the trial of civil causes shall be held on the second Monday in each month of the year, and may continue from day to day until the business thereof is disposed of.

*Twelfth.* The judge of said city court shall be the clerk of same, and in all prosecutions for violations of city ordinances, and misdemeanors against the laws of the State, committed within the limits of the city, he shall tax, in all bills of costs, such fees as are now allowed clerks of the circuit courts of this Commonwealth for similar services, said fees to be for the use and benefit of said city. In all other criminal and penal prosecutions he shall be entitled to charge the same fees as are now allowed by law to justices of the peace, except as herein provided. In all civil matters, when the jurisdiction is concurrent with justices of the peace, he shall be entitled to the same fees as are now allowed by law to said justices; and when the jurisdiction of the city court, in civil matters, is concurrent with the Warren circuit court, he shall receive the same fees as are now allowed by law to judges or clerks of quarterly courts of this Commonwealth for similar services, except as herein provided. Fees.

*Thirteenth.* All prosecutions or proceedings for the violations of the city ordinances, and misdemeanors against the laws of the Commonwealth of Kentucky, committed within the limits of said city, may be tried in the city court on warrant or information, without the intervention of a grand jury; but the judge of the city court may order a grand jury to be summoned by the city marshal, for the purpose of investigating and indicting persons for the violations of city ordinances, and for misdemeanors against the laws of the State com- Grand jury.

Qualifications.

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Records.

Evidence.

mitted within said city, whenever he is requested to do so by the mayor of said city, in writing; or when he, the said judge, may deem it necessary—the qualifications and proceedings of said grand jury to be the same as now required by law in reference to grand jurors and grand juries of this Commonwealth, except as herein provided. The fees of grand jurors to be fixed by ordinance.

*Fourteenth.* In all civil proceedings in said city court the pleadings may be oral; but in cases where the jurisdiction is concurrent with the Warren circuit court, the court may, on its own motion, or upon the motion of either party to the action, require the pleadings to be reduced to writing.

*Fifteenth.* The pleadings, practice, and mode of procedure in said city court shall be governed by the Code of Practice in civil and criminal causes, except as herein provided. Nothing in this act shall be construed to deprive a party defendant from claiming the district of his residence for the trial of a civil case as now provided by law.

*Sixteenth.* The Bowling Green city court shall be a court of record, and the records thereof, or certified copies of same, over the signature of the judge or clerk thereof, shall be evidence in any court of this Commonwealth.

*Seventeenth.* A return of “no property” on a writ of *fiery facias* issued on any judgment in said city court, shall authorize an attachment out of equity, in favor of the city or Commonwealth of Kentucky, against the choses in action or personal effects of the defendant, in the same manner that a return of “no property” authorizes an attachment in equity on judgments rendered in circuit courts.

*Eighteenth.* The judge of the city court shall be a conservator of the peace, and may issue warrants of arrest for offenses against the laws of the city and State, when, from his personal knowledge, or from information of the city or county attorney, or from information given him upon oath of any other person, he shall be satisfied that there are reasonable grounds to believe an offense has been committed; and for offenses committed in his presence, may order an arrest without warrant, the person so offending to be dealt with according to law.

*Nineteenth.* The judge of the city court shall keep a docket-book, order or judgment-book, execution-book, and a book for noting attendance of witnesses in criminal and penal

causes, and a similar set of books for civil causes, which shall be furnished and paid for by said city.

*Twentieth.* When the jurisdiction of the city court in civil matters is concurrent with the Warren circuit court, a tax of fifty cents shall be paid to the judge thereof for the purposes and under the same conditions as when such tax is paid to circuit clerks, and the same rules that govern circuit clerks, in taxation of attorneys' fees, shall apply to the city judge. Tax.

*Twenty-first.* The judge of the city court shall receive an annual salary not to exceed one thousand dollars, to be paid quarterly out of the city treasury, on a warrant drawn in his favor by the clerk of said city. Salary.

*Twenty-second.* The law governing the election of special judges of circuit courts shall, as to the cause therefor, and mode of election, apply to the election of a special judge of the city court: *Provided*, The city marshal shall perform the duties in regard thereto as is now required by law of circuit clerks in elections of special judges. The special judge of the city court shall possess the qualifications of the regular city judge. Special judges. Qualifications.

*Twenty-third.* The judge of said city court shall be elected by the qualified voters of said city at the same time and in the same manner that county judges of this Commonwealth are now elected, and shall qualify and enter upon the discharge of his duties on the first Monday in September after his election, and shall hold his office for a period of four years, or until his successor is duly elected and qualified. Before he enters upon the discharge of his duties, he shall receive a commission from the Governor of Kentucky, which shall be granted to him upon a certificate of election from the city clerk or officers of election of said city; and thereupon he shall, before the county judge or some justice of the peace, take the oaths prescribed by this charter and the Constitution of Kentucky, a certificate of which shall be indorsed on said commission by said judge or justice of the peace, and filed with the clerk of the Warren county court. Judge. Election. Term. Commission. Oath.

*Twenty-fourth.* No person shall be eligible to the office of city judge, unless he possesses the qualifications now required by law of county judges of this Commonwealth, and shall have been a bona fide resident and citizen of said city for at least two years previous to his election, and shall have been Qualifications.

a regularly licensed attorney at law of at least three years' practice.

*Twenty-fifth.* The said city court shall have exclusive original jurisdiction in all cases where the board of councilmen shall proceed to condemn lands, or other property and materials, for opening or extending streets, lanes, alleys, commons, wharves, landings, market-squares, &c., and shall have power and authority to award the writ of *ad quod damnum*, and adjudicate the same.

*Twenty-sixth.* That all appeals from the judgments of said city court in civil matters shall be to the Warren circuit court; but no appeal shall be granted unless the matter in litigation exceeds, exclusive of interest and costs, ten dollars in value.

*Twenty-seventh.* The name of the present police court of said city is hereby changed to that of the "Bowling Green City Court;" and the present incumbent of said police court is hereby made the judge of the Bowling Green city court, and is vested with the name, together with all the powers, authority, jurisdiction, rights, privileges, and emoluments herein conferred upon the said Bowling Green city court or the judge thereof, and he shall continue in said office until his term of office duly expires, and until his successor is duly elected and qualified. But this act or change shall in nowise affect any proceeding instituted in, or process issued from, or any act or thing done in, or with reference to, the said police court.

*Twenty-eighth.* The said city court, or the judge thereof, shall have all the powers necessary to fully effectuate, and make complete and effective, the jurisdiction and authority herein conferred.

#### ARTICLE VII.

##### *Streets, Alleys, and Sidewalks.*

§ 1. *First.* That the streets and alleys of said city shall remain as they now are, and retain their present respective names; but they or any of them may be changed by ordinance.

*Second.* That no person shall lay off his land within the city in streets, alleys, and lots without first presenting his petition to the board of councilmen, setting forth his title, and an accurate description of the land intended to be so laid

off into lots, streets, and alleys; whereupon, the board of councilmen may order a competent surveyor to go upon the premises and make an accurate survey and plat thereof, and report the same to the board of councilmen; which, if approved by the board of councilmen, shall be certified to the clerk of the Warren county court for record, and shall be by him recorded, and ever afterwards be evidence of the location and boundaries of the streets, alleys, and lots, and the applicant shall pay such reasonable fees as shall be allowed the surveyor, and the clerk's fees for recording. And in making the plat, deed, and survey the board of councilmen shall direct the location of the streets and alleys, but the applicant may direct the size and boundary of the lots. And the act of making the survey and map, and its approval by the board of councilmen, shall vest the title to the use of the streets and alleys in the city for the use of the public. And if any one shall lay off his land into streets, alleys, and lots in contravention of this section, it shall be an implied consent on the part of such proprietor, and those holding title through him, that the city authorities may thereafter open streets and alleys through said land and lots, without regarding their previous location or boundary, and without making any compensation for lands which may be taken for streets and alleys, or damages done to the property, buildings, or improvements; and the board of councilmen may, at its pleasure, locate streets and alleys on such lots and improvements without making compensation, as freely as if the use thereof had been granted to them by the proprietors for the use of the public.

*Third.* The board of councilmen may, by resolution voted New streets. for by a majority of its members, the yeas and nays being entered on its journal, cause new streets or alleys to be opened, or old ones widened or extended, when, in its opinion, the interest of the public demands such action in the manner hereinafter provided. The city may acquire the use Proceedings. of any land for said purposes by donation, dedication, or purchase in the name of the city. When the said board shall deem it necessary to establish any such way over the land of others, and the city shall not have acquired the use thereof as aforesaid, the board of councilmen may appoint one or more persons, one of whom shall be a practical surveyor, and direct him or them, after being duly sworn

faithfully and impartially to discharge the duties assigned him or them, to go upon the premises over which said way is proposed to be established, and make an accurate survey and plat of the lands sought to be taken, showing the names of the proprietors thereof, and the separate boundaries of each and the estate held by each; and if there be a life estate and an estate in remainder, the names of the persons owning each estate, and, as far as possible, the residence of those interested in the estate, and the nature of any improvements that may be on the premises, and the value in his opinion of the interest of each proprietor in the land sought to be taken, and the damages done to the estate of each proprietor, and report his or their survey, map, and conclusions to the board of councilmen, in writing; whereupon, it shall be the duty of the board of councilmen to cause the clerk of the city to issue a writ directed to the city marshal, commanding him to summon each party interested in the premises to appear before the board of councilmen on a day to be fixed in the order of the board of councilmen, and show cause why said street or alley shall not be established; which summons may be executed by the marshal in any part of Warren county; and if the proprietor cannot be found, it may be executed by delivering a true copy thereof to any tenant residing on the land. If the summons be returned executed as to all or executed as to some, and not found in Warren county as to others, and they shall not appear in person, by attorney, agent or tenant, the board of councilmen may proceed to establish said way according to the surveys made as aforesaid over the lands of such as fail to appear; but if any one interested shall appear by themselves, attorneys, agents or tenants, and claim compensation or damages greater than the board of councilmen is willing to pay, it shall be the duty of the board of councilmen to appoint three commissioners who are in no way interested in the premises or related to either of those interested, and who are owners of of real estate in, and residents of the city, and direct them to go upon the premises on a day to be fixed by the order, and after being sworn faithfully and impartially to discharge the duties assigned them, to examine the premises and hear any evidence which may be offered, either by the city or the proprietors; and after doing so, to report to the board of councilmen what sum would be a just compensation to each



proprietor for the land proposed to be taken from him ; what damage the proprietor will sustain in other respects by the establishment of the way; and when said report shall be made, the board of councilmen shall determine whether they will pay the amount so reported and establish the way. And if the said board shall determine to establish the way, it shall be done by a resolution to that effect, a majority of the board voting therefor, the yeas and nays being entered upon its journal ; and said resolution shall also provide for the payment of the amounts reported by the commissioners or assessed to be paid, if any assessment be made. And thereupon the said street or alley shall be established as surveyed. The commissioners herein provided for shall have power to administer oaths to witnesses, and both the first and last-named commissioners shall receive reasonable compensation to be fixed by the board of councilmen ; and the board of councilmen shall have power, after causing a copy of the order appointing them to be delivered to them, to compel them to act by procedure, as in cases of contempt.

*Fourth.* The board of councilmen may, by resolution, as aforesaid, establish a new street, or widen or extend an old one, absolutely or contingently, on the condition that persons desiring such way will pay the whole or part of the damage or compensation awarded by the commissioners within a time to be specified in the resolution ; and when said damage shall have been paid into the city treasury, or to such proprietors, the board of councilmen may establish it finally and unconditionally.

*Fifth.* Any person interested in the land may appeal from the decision of the commissioners and the board of councilmen, fixing the compensation and damage to the circuit court of Warren county, in the same manner that appeals are taken from a judgment of the county court to the circuit court in road cases, except in this : that the case may be tried in the circuit court upon such evidence as may be there offered by either party ; and the reversal of the decision of the commissioners and the board of councilmen shall not interfere with the establishment of the way, and shall only affect the amount of compensation and damages. In such appeals the City of Bowling Green shall be the appellee.

Appeals.

*Sixth.* The board of councilmen may, from time to time, Grading.

cause the streets and alleys of the city to be graded or regraded at the expense of the city.

Curbing.

*Seventh.* The board of councilmen shall have power to cause the curbing to be laid and the sidewalks in said city to be graded, paved, or improved in such manner as they may, by resolution, direct, at the cost and expense of the lot-owners fronting such street or alley. When such sidewalk or curbing is so improved, the expense of same is to be apportioned between the lot-owners fronting them, respectively, according to the number of front feet where such work shall be done. And a lien is hereby given to the city upon such lots for the payment of the costs and expenses of improvements on all lots, houses, and improvements fronting thereon; which lien shall attach at the passage of the resolution directing said improvements to be made, and shall have priority over all other liens upon the same property, whether created before or after that time, except liens for State, county, and other city taxes.

Lien on lots.

*Eighth.* The costs and expenses of making the improvements in the last preceding section shall be a tax upon the lot-owners, and due and payable to the city thirty days after the work shall be completed and received, when it shall be collected and accounted for; and the board of councilmen shall ascertain, by resolution, how much is payable, and the sums for which a lien is held upon each lot; place a copy of the resolution in the hands of the city collector, who, if it is not paid when due, shall proceed to levy and collect in the same manner that other city taxes are collected; and if he shall not find personal property in said city belonging to the person owning it to pay said tax, he may proceed, after advertising the same, to sell the lot or lots, or so much as will pay the amount due thereon, and costs of sale, to the highest bidder for cash in hand at the front door of the courthouse in Warren county, Kentucky, in the same manner as other sales are by this charter directed to be made for other city taxes; and the owners of property so sold shall have the same right of redemption as provided for in sales of real estate for other city taxes in this act: *Provided*, That no such improvements as provided for in this and the last preceding section shall be made until the owners of the lots fronting on the sidewalks ordered to be improved shall have been notified, by written or printed notices, of the resolution requir-

ing such improvement, and a direction to such lot-owner or owners to make such improvement, and his or their refusal or failure to comply with said order for the space of thirty days from the receipt of said notice: *And provided further,* That no assessment for such purposes shall be imposed upon any lot-owner for any amount exceeding one third of the value of the lot or lots fronting on such improvements.

*Ninth.* That the intersections of the streets shall be guttered, graveled, paved, and macadamized and improved, and crossings made at the cost and expense of the city; and when any lot-owner shall have improved, by paving the sidewalks and laying the curbing in front of his lot, in accordance with that ordered to be made, such lot-owner shall be exempt from said tax, in so far as his improvements conform to the plan and character of improvements prescribed by the board of councilmen.

#### ARTICLE VIII.

##### *Ministerial and other Officers—City Marshal.*

§ 1. *First.* The chief ministerial officer of said city shall be styled the marshal of the city of Bowling Green. He shall be a peace officer, and *ex officio* chief of police, and shall be vested with like power and authority for making arrests as is now or hereafter may be conferred upon sheriffs of this Commonwealth. Marshal's style.

*Second.* It shall be the duty of the marshal to attend punctually upon all sessions of the city court and the board of councilmen of said city; to execute all orders issued by said court and said board which may be addressed to him; and to perform all other duties that may be prescribed by ordinance or pertain to the office of marshal. Duties.

*Third.* The marshal have the same power as constables to execute warrants and collect debts within the city limits; and he may execute any process from the Warren circuit, quarterly, and county courts: *Provided,* He shall not be compelled to execute any such process beyond the limits of said city. Powers.

*Fourth.* The marshal may, by and with the consent and approval of the board of councilmen, appoint a deputy, who shall have all the power herein conferred upon the marshal; and for all the acts of such deputy the marshal shall be liable upon his official bond. Deputy marshal.

*Fifth.* The board of councilmen shall, by ordinance, fix and provide for the salary and fees of said marshal.

*Sixth.* The marshal shall enter upon the duties of his office on the first Monday in January succeeding his election; but before doing so he shall execute such bond as may be prescribed by ordinance, and shall take the oath now required by the Constitution of Kentucky; and, in addition thereto, such oath as may be prescribed by ordinance.

*City Clerk.*

§ 2. *First.* That the board of councilmen shall, at its first regular meeting in September, 1882, appoint a city clerk, who shall at once enter upon the duties of his office, and continue therein until the first meeting in January, 1884, and until his successor is appointed and qualified; and said board shall, at its first regular meeting in January, 1884, and every two years thereafter, appoint a city clerk for the term of two years, and until his successor is appointed and qualified.

*Second,* It shall be the duty of said clerk to preserve the books, papers, records, and everything belonging to the office, and deliver the same to his successor in office upon application being made therefor.

*Third.* He shall keep a regular journal of all the proceedings of the board of councilmen and correct account of the fiscal concerns thereof; he shall record all the acts, resolutions, and orders of said board; he shall preserve all bonds and agreements between said board and other persons; he shall furnish attested copies of all acts, resolutions, and orders passed by said board, and any other records of his office, when required to do so by persons entitled to demand the same; he shall draw warrants on the treasurer or mayor of said city for all sums of money due to persons on claims allowed by said board; and when the assessor's book shall have been revised and corrected, and the assessment of taxes made for the year, he shall make a true copy of said book, with the amount of taxes due from each person set opposite his name; and he shall deliver this copy, together with the order fixing the rate of assessments, to the city collector within thirty days after the passage of said order, taking his receipt for same; and he shall perform such other clerical duties as may be required by ordinance.

*Fourth.* The clerk shall, before entering upon his duties, execute such bond as may be required by ordinance for the faithful discharge of the duties of his office. Bond.

*Fifth.* The clerk may, by and with the consent and approval of the board of councilmen, appoint a deputy, who shall have all the powers herein granted to the clerk; and for all the acts of such deputy the clerk shall be liable upon his official bond. Deputy clerk.

*Sixth.* All the records in the office of said clerk, copied and attested by him, shall be received as evidence in any court in this Commonwealth. Evidence.

*Seventh.* The said clerk shall have the same power to administer oaths, and to give certificates thereof, as county and circuit court clerks of this Commonwealth now have, and he shall receive for his services such compensation or salary as may be prescribed by ordinance. Before entering upon the discharge of the duties of his office, the clerk shall, in addition to the oath required by the Constitution of Kentucky, take such other oath as may be required by ordinance. Oaths.

#### *City Attorney.*

§ 3. *First.* That the board of councilmen shall, at its first regular meeting in January, 1882, and every two years thereafter, appoint a city attorney, for the term of two years, and until his successor is appointed and qualified; and he shall receive such an annual salary, and such a per centum of all fines and forfeitures in the city court, as may be prescribed by ordinance. City attorney — term.

*Second.* No person shall be eligible to the office of city attorney who has not been for two years a resident and qualified voter of said city, and for two years a licensed and practicing attorney at law. Compensation.

*Third.* It shall be the duty of the city attorney to attend to all suits and prosecutions in behalf of the city in which the city is interested, either as plaintiff or defendant, and to perform such other duties as may be prescribed by ordinance. Qualifications.

#### *City Treasurer.*

§ 4 *First.* That the treasurer of the city shall be appointed by the board of councilmen, and shall begin the duties of his office, and shall hold same for such time as the board of councilmen may, by ordinance, prescribe. Duties.

Bond.

*Second.* Before entering upon the duties of the office, he shall execute bond, with good security, to be approved by the board of councilmen, for the faithful performance of the duties of treasurer, and prescribed in the Constitution in the State.

Duties.

*Third.* It shall be his duty to receive all moneys of the city, and deposit same in some bank, to be designated by resolution of the board of councilmen, and shall not pay out or expend the same, nor any part thereof, except upon warrants drawn by the clerk, and countersigned by the mayor, and after the claims shall have been allowed by the board of councilmen: *Provided*, He may the coupons for interest on bonds issued by the city without a warrant of the clerk or order of the board of councilmen.

Compensation.

*Fourth.* He shall at all times have and keep a regular and correct account of all receipts and expenditures of the treasury as the board of councilmen may direct, which accounts shall always be open to the inspection of said board, or its proper committee, and shall report the amount of money in the treasury to said board every three months. He shall exhibit to said board at the end of each year, and at such other times as it may direct, a full statement of the receipts and expenditures of the city, and of the state and condition of the treasury, and financial concerns of the city. He shall perform such other duties pertaining to his office as said board may direct, and for his services shall receive such compensation or salary as may be fixed by ordinance.

*Fifth.* The mayor of the city shall be *ex officio* treasurer thereof, and shall, in addition to his duties as mayor, perform and discharge all the duties, and incur all the responsibilities of treasurer: *Provided*, That the board of councilmen may, by ordinance, separate the offices, and provide for the appointment and qualification of a treasurer; in which event, and upon the appointment and qualification of a treasurer, the mayor shall no longer be required to give the bond and discharge the duties of treasurer.

Officers &amp; agents

*Sixth.* The board of councilmen shall have power to appoint all officers and agents it may deem proper and necessary to carry into full effect the powers herein conferred, and to prescribe their powers and duties, and regulate and determine their salaries or compensation, and to require bond with security of them, or any of them, for the faithful dis-

charge of their duties; and all officers or agents so appointed shall hold their offices for such time as may be fixed by said board.

ARTICLE X.

*Elections.*

§ 1. *First.* That all male persons over twenty-one years of age, who shall have resided in said city six months next preceding the day of the election, and sixty days in the ward in which they offer to vote, or who are, at the time of the election, and for six months next preceding the day of election shall have been the owners of real estate in said city, shall be entitled to vote in the election for mayor, councilmen, judge of the city court, marshal, or other officers to be elected by the voters of the city. The person offering to vote, by reason of the property qualification herein cited, shall vote only in the ward in which his property, or the greater part thereof in value, shall be.

Elections.

Qualifications.

*Second.* The election for mayor shall be held on the first Saturday in December, 1882, and every two years thereafter.

Mayor—term.

*Third.* The election for two councilmen from each ward shall be held on the first Saturday in December, 1882, and every year thereafter; and the councilmen thus elected shall hold their offices for the term of two years, or until their successors are elected and qualified: *Provided*, That the councilmen now in office shall continue therein until the expiration of the term for which they were elected, or until their successors are elected and qualified.

Councilmen—term.

Proviso.

*Fourth.* The election of the judge shall be held on the first Monday in August, 1882, and every four years thereafter.

Judge—term.

*Fifth.* The election of marshal shall be held on the first Monday in August, 1882, and every two years thereafter.

Marshal—term.

*Sixth.* The board of councilmen shall provide and designate, by ordinance or resolution, a voting place in each ward of the city, at which place all elections by the qualified voters of the city, as provided for in this charter, shall be held.

Voting places.

*Seventh.* The vote shall be cast *viva voce* at all the elections of the city; but deaf and dumb persons shall be permitted to vote by ballot.

Mode.

*Eighth.* The board of councilmen shall, by ordinance, designate the hours and manner for holding the city elections and returns thereof.

*Ninth.* When, in the city elections in this article provided for, two or more candidates shall receive equal and the highest number of votes for the same office, the election shall be determined between them by lot.

*Tenth.* The board of councilmen shall have power, by ordinance, to disqualify any person from voting in any municipal election held in and for said city who has not previous to such election paid the full amount of their taxes due the city.

#### ARTICLE XI.

##### *Impeachments and Removals from Office.*

§ 1. *First.* That if any member of the board of councilmen or judge of the city court, or marshal or clerk of the city, or any other officer of said city, whether elected by the qualified voters thereof or appointed by the board of councilmen, shall be found guilty of any malfeasance in office, he shall be removed from office by the board of councilmen; but such judgment of removal from office shall not be a bar to any prosecution for the same offense, if the offense committed is punishable by statute or ordinance.

*Second.* If any person shall make a statement, in writing, supported by his or her affidavit, against any officer of the city charging him with malfeasance or misfeasance in office, or conduct unbecoming an officer of the city, and shall state in the said writing the specifications of the offense, and shall present same to the board of councilmen at any meeting, at shall be the duty of said board to refer same to a committee of said board for investigation.

*Third.* This committee shall, within three days after the charge is referred to them as aforesaid, meet and begin their investigations, and shall adjourn from day to day until the investigation is completed, and shall report the evidence heard by them to the board of councilmen, with their conclusions thereon.

*Fourth.* If, from the report of said committee or otherwise, a majority of the board of councilmen present shall determine to try the officer against whom the charge has been preferred, the said board shall, by resolution, fix a time and place when and where the trial shall begin, notice of which shall be served upon said officer, if he can be found in the city; if he cannot be found in the city, the notice shall be posted on the front door of the court-house in said city.



*Fifth.* Before entering upon the trial, the members of the board of councilmen shall be sworn by some officer to "well and truly try the case upon the charges and testimony, and a true and impartial judgment render therein."

*Sixth.* The board of councilmen shall hear testimony both for and against the accused, and argument if desired; after which the board shall require all persons, except members of the board of councilmen, and the clerk and the marshal of the city, to leave the room; and said board shall then proceed to vote upon the charges. The vote shall be by ballot, and upon each ballot shall be written "guilty" or "not guilty;" and if a majority of the entire board of councilmen shall vote "guilty," it shall be so entered upon the journal of its proceedings, and an order shall then be made by said board removing said officer, and declaring his office vacant.

*Seventh.* It shall be the duty of the city attorney to prosecute all officers against whom charges shall be made as aforesaid; and if from any cause he cannot do so, the mayor shall appoint some suitable person to prosecute. Remedies.

*Eighth.* No appeal shall be had from a judgment of eviction from office rendered by the board of councilmen. Appeals.

*Ninth.* The mayor may suspend any public officer of the city, for cause shown, until the next meeting of the board of councilmen. Suspension.

## ARTICLE XII.

### *Vacancies in Office.*

§ 1. *First.* That when the office of mayor shall, by death or removal of the occupant, or from any cause, become vacant, the board of councilmen shall have power to fill the same by appointment at the regular meeting of said board of councilmen next succeeding the occurrence of said vacancy: *Provided, however;* That if said vacancy shall occur before said mayor shall have served ten months of the term for which he was elected, said board of councilmen shall direct an election to fill said vacancy, to be held at the next regular election for councilmen; and the person thus elected shall not enter upon the duties of his office until the first Monday of January thereafter, and until he has complied, in all respects, with the provisions herein made for the election and qualification of mayor. Vacancies. How filled.

*Second.* All vacancies which shall occur in the office of councilmen shall be filled by the board of councilmen at its regular meeting next succeeding thereto, the appointment to be made from the ward in which the vacancy occurs; and the person thus appointed shall continue in office until the expiration of the term for which his predecessor was elected.

*Third.* When a vacancy shall occur in the office of judge of the city court and city marshal, the board of councilmen shall immediately proceed to fill said vacancy until the first Monday in August next succeeding, when an election shall be held by the people to fill out the unexpired term, notice of which shall be given by proclamation of the mayor at least eight days before the day of election; and in case of a vacancy occurring within eight days next before the first Monday in August of any year, the vacancy shall be filled by the board of councilmen until the first Monday in August of the next year, when an election shall be held by the people as in this section provided.

*Fourth.* The mayor shall, by proclamation, give at least eight days' notice of all elections by the people prescribed in this article.

Notice of elections.

*Fifth.* All resignations of office shall be tendered to and acted on by the board of councilmen.

Resignations.

*Sixth.* The term "vacancy in office," or any equivalent phrase, as used in this charter, means such as exists when there is an unexpired part of a term without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time prescribed. It applies whether the vacancy is occasioned by death, resignation, or removal, or otherwise.

Vacancy defined.

*Seventh.* When a vacancy shall occur in any office which is filled by appointment of the board of councilmen, it shall be the duty of said board, at its next meeting thereafter, to appoint a suitable person to fill the vacancy, and the person thus appointed shall hold the office until the expiration of the term for which his predecessor was appointed: *Provided,* The mayor shall have power to appoint some suitable person to perform the duties of the office made vacant until the board of councilmen shall meet and fill the vacancy as prescribed above.

ARTICLE XIII.

*General Provisions.*

§ 1. All acts amendatory of the charter of the city of Bowling Green now in force, in so far as they relate to the purchase and government of "Fairview Cemetery," and to the water-works in said city, are hereby re-enacted and made a part of this revision, and nothing contained in this act shall be construed as repealing said acts now in force relating to said cemetery and water-works. General provisions.

§ 2. The board of councilmen shall have power to provide by ordinance for the establishment of a "sinking fund" for the payment of the outstanding indebtedness of said city, and the appointment and regulation of the commissioners and other officers of said fund, and to require such bond from the treasurer or any other officer thereof as it may be prescribed by ordinance; and until otherwise changed by ordinance, the present commissioners and treasurer shall continue in and exercise the duties of their respective offices: *Provided*, The board of councilmen shall have the power to fill any vacancies occurring therein. Sinking fund.

§ 3. The records of the city of Bowling Green, and all bonds and contracts executed to said city, are hereby declared to be public records, and are to be safely preserved and kept, subject to public inspection during the business hours of the day, and copies thereof, certified by the mayor or clerk of said city, shall be evidence in all courts to the same extent that the originals would be on proof; and all ordinances or parts of ordinances of said city now in force, not in conflict with this act, shall continue in force until repealed by the board of councilmen, and all laws vesting rights, privileges, or exemptions in or imposing duties upon the city of Bowling Green, not herein superseded or repealed, shall remain in force, until repealed by the General Assembly of the Commonwealth of Kentucky. Records.  
Evidence.

§ 4. This act shall be a public act, and be judicially noticed and liberally construed by all courts in this State; and in pleading it shall not be necessary to recite the by-laws and ordinances of the board of councilmen, but it shall be sufficient to refer to their date, title, and section, and the fact of any person being a citizen of the city of Bowling Green shall not render such person incompetent as a witness or juror in any suit to which said city may be a party.

§ 5. This act shall take effect from and after its passage, and thereafter be the charter of the city of Bowling Green; and all laws or parts of laws coming in conflict with this act, or any provisions thereof, are hereby repealed.

Approved January 2, 1882.

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## CHAPTER 12.

AN ACT for the benefit of R. E. Cook, of the city of Henderson.

WHEREAS, R. E. Cook has been elected secretary and treasurer of the board of trustees of the Henderson public schools; and whereas, at the time of said election he was and is a common councilman of the city of Henderson; and whereas, there is a question as to the said offices being incompatible; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said R. E. Cook be, and he is hereby, authorized, empowered, and enabled to accept and hold the office of secretary and treasurer of the board of trustees of the Henderson public schools, to receive the pay and emoluments, and to discharge the duties thereof; and the acceptance and holding of said office shall in nowise disqualify him as councilman of said city.

§ 2. This act shall take effect and be in force from its passage.

Approved January 6, 1882.

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## CHAPTER 13.

AN ACT to amend the road law of Campbell county, requiring surveyors of roads in said county to work their roads and put them in good repair before the first of September in each year.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the surveyors of public roads in Campbell county, except in the district of Highlands, shall cause their respective roads to be worked and put in good repair before the first day of September in each year, and upon failure to comply with the requirements of this act, such surveyors shall be

subject to the penalties prescribed by the general laws of the State for such failure.

§ 2. This act to take effect from its passage.

Approved January 6, 1882.

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CHAPTER 14.

AN ACT for the benefit of the tax-payers of Nebo district, in Hopkins county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in order to provide for the payment of the interest, and also for the redemption of the bonds of the Nebo district, in Hopkins county, which were issued in payment of stock subscribed by said district in the Madisonville and Shawneetown Straight-line Railroad Company, a sinking fund is hereby created and established, to be made up of any dividends on the stock owned by the district, and of the annual tax levied and collected, and to be levied and collected, from the tax-payers of said district. Said fund shall be devoted to the purposes pointed out in this act.

Creating sinking fund.

§ 2. All the resources and income provided by this act shall be under the management and control of the three commissioners of the sinking fund for the Nebo district, who have been or may be appointed by the Hopkins county court, or the judge of said court, under the provisions of an act to incorporate the Madisonville and Shawneetown Straight-line Railroad Company; and said commissioners shall be charged with the payment of the interest on the bonds of said district as the same shall accrue out of the sinking fund hereby created; and after the payment of said interest, they may use the whole or any part of the remaining fund in the purchase of the bonds of said district: *Provided*, The said commissioners shall not pay exceeding eighty-five cents to the dollar on the face of each bond until after the expiration of five years from June 1st, 1881: *And provided further*, That said bonds so redeemed, and all coupons paid, shall be burned in the presence of the Hopkins county court.

§ 3. In addition to the levy of a tax to pay the interest on the bonds of said district, as authorized by the act incorporating said company, the Hopkins county court (the judge alone sitting) shall have power annually to levy a further

County court—power to levy additional tax.

tax, not exceeding five thousand dollars in one year, to be levied and collected in the same manner as the interest afore said is now levied and collected under the act incorporating said railroad company. The amount thus levied and collected shall constitute a part of the sinking fund provided in the first section of this act, and shall be used in the redemption of the bonds of said district.

§ 4. The levy made by the Hopkins county court imposing a tax of one dollar and fifty cents on each one hundred dollars of taxable property for the present year is hereby legalized and made binding; and said tax, when collected by the sheriff or any authorized collector, shall be paid to the treasurer of said sinking fund commissioners, and shall constitute a part of the fund provided in this act for the payment of the interest and for the redemption of the bonds of said district. The fiscal year for the levy of said tax, and payment of the interest on said bonds, shall hereafter commence on the first Monday in February.

May appoint a  
tax collector.

§ 5. The Hopkins county court shall have full power to appoint a collector of tax for said district, who shall be a resident of Hopkins county, be over the age of twenty-one years, and a competent person. The said court may agree with said collector as to his compensation, which shall not exceed six per cent. on the first thousand dollars, and five per cent. on the remaining sum collected. Such collector, before proceeding to act, shall execute bond, with good sureties, to be approved by the Hopkins county court, as is now provided for sheriffs in the act incorporating the Madisonville and Shawneetown Straight-line Railroad Company, and shall be liable in the same manner. Should the said county court be unable to procure a suitable person to act as collector, it shall be the duty of the sheriff to collect said taxes on his official bond as sheriff of Hopkins county. Any collector appointed under the provisions of this act shall have all the power and authority for collecting and distraining conferred upon the sheriff under the said act incorporating the Madisonville and Shawneetown Straight-line Railroad Company: *Provided*, That the taxes levied for the present year shall be collected by the sheriff, the same being in his hands for collection.

§ 6. This act shall take effect from and after its passage.

Approved January 6, 1882.

CHAPTER 15.

AN ACT repealing an act, entitled "An act to prevent hunting in Boone county for a period of two years "

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to prevent hunting in Boone county for a period of two years," approved March 29th, 1880, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved January 6, 1882.

CHAPTER 18.

AN ACT to incorporate the Hardinsville and Southville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a company is hereby created, under the name and style of the Hardinsville and Southville Turnpike Road Company, for the purpose of constructing a turnpike road from Hardinsville to Southville, over the most practical route nearest the old Bardstown and Frankfort dirt road.

Corporate name.

Locality of road.

§ 2. That the capital stock of said company shall be of a sufficient amount (including Shelby county fund) to construct and finish the road, or any part thereof, between points herein named.

Capital stock.

§ 3. That books for subscription of stock in said company shall be opened on the 15th day of December, 1881, at Rockbridge, under direction of Wm. Tipton, Wm. Bullard, George W. Robertson, M. F. Jessee, Froman Fry, and H. C. Carris, or some two or more of them, who are hereby appointed commissioners. They shall procure books, and subscribers to stock in said company shall enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, do promise and bind ourselves to pay the president and directors of the said company the several sums annexed to our respective names;" the same to be divided into shares of fifty dollars each. The money so subscribed to be paid in such manner, in such proportions, and at such times as shall be required by the president and directors of the said company.

Books for subscription.

§ 4. That so soon as a sufficient amount of money, including county funds, shall have been subscribed to construct one mile of road, it shall be the duty of the commissioners, at such time and place as they may designate, call a meeting for the purpose of choosing officers for said company, said call to be made in writing, and posted up in conspicuous places at least ten days previous to such meeting. The votes in choosing officers shall be made by ballot, in person or by written proxy, and regulated by the number of shares, allowing one vote for each share of stock subscribed. The officers of said company shall consist of a president and five directors, secretary, and treasurer, and such other officers as it may be found of necessity to have in laying out, constructing, and managing the said road for one year, or until their successors are elected.

§ 5. That so soon as such officers are elected, it shall be lawful for them to put as much road under contract for building as they may have fund to pay for.

§ 6. That the annual election of officers shall be held on the second Saturday of March of each year.

§ 7. That the width of the road from fence to fence shall be forty feet; the road-bed not to exceed sixteen feet in width, and shall be so leveled and graded that when finished it shall not be of a greater elevation than a rise of eight feet to the hundred. The metal shall be not less than ten feet wide and ten inches deep.

§ 8. This act shall take effect and be in force from and after its passage.

Approved January 6, 1882.

## CHAPTER 20.

AN ACT for the benefit of Jacob Voehringer.

WHEREAS, Jacob Voehringer paid to the State of Kentucky the State tax to keep a coffee-house, located in the city of Louisville, on Campbell and Washington streets, for the year ending November 18, 1881; and whereas, the general council of said city rejected the application of Voehringer for said license, whereby said Voehringer was prohibited from keeping said coffee-house during said term, and by reason thereof



is entitled to have refunded to him the money, to-wit: fifty dollars, so paid the State; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said money be refunded to, and the Auditor is hereby directed to draw his warrant on the Treasury in favor of, said Jacob Voehringer for the sum of fifty dollars.

§ 2. This act shall take effect from its passage.

Approved January 6, 1882.

## CHAPTER 21.

AN ACT to incorporate Central Female College, in Woodford county.

WHEREAS, Central Female College has been in successful operation for several years, and the proprietor desires an act enabling her to confer diplomas; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Mrs. A. W. Thomson, proprietor of said college, and her successors, have power to confer upon the students of said college any and all degrees and diplomas conferred by any of the colleges or literary institutions of the State.

§ 2 This act shall take effect from its passage.

Approved January 6, 1882.

## CHAPTER 22.

AN ACT in relation to the city of Frankfort.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of councilmen of the city of Frankfort shall have power and authority to cause all stores and groceries and business houses, wholesale or retail, within said city, to be classified and divided into not exceeding twelve classes, and may collect a tax on each, not exceeding one hundred and fifty dollars per year on each retail store, and not exceeding two hundred and fifty dollars per year on each wholesale store.

§ 2. That this act take effect from its passage.

Approved January 6, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 23.

AN ACT to authorize the levy court of Meade county to levy an additional ad valorem tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Meade county is hereby authorized to levy an additional ad valorem tax, not to exceed twenty cents on the one hundred dollars' worth of taxable property in said county, for the purpose of paying off the indebtedness of said county, said tax to be levied for the year 1882.

§ 2. That it shall be the duty of the sheriff of said county to collect said tax under the same laws and responsibility, and to receive the same compensation as is now prescribed by law for the collection of the county levy, and pay over the same to the order of said county or levy court.

§ 3. That said sheriff shall execute a bond with good personal securities, worth in property in this State, subject to execution over and above their just debts, a sum double the amount of the taxes to be by said sheriff collected. Said bond shall be executed to the Commonwealth of Kentucky, binding said sheriff and sureties, jointly and severally, to the Commonwealth of Kentucky that said sheriff as such shall well and truly collect, account for, and pay over said taxes to the person or persons authorized to receive the same under and by virtue of the orders of the Meade county court and provisions of this act.

§ 4. This act shall take effect and be in force from and after its passage.

Approved January 6, 1882.

## CHAPTER 24.

AN ACT to legalize the sale of stock in the Kentucky Central Railroad Company by the Bourbon county court.

WHEREAS, By an act of the Legislature of Kentucky approved November 25, 1851, the county court of Bourbon county was authorized to subscribe \$100,000 to the capital stock of the Covington and Lexington Railroad Company, and said county did subscribe said amount; and whereas, by the compromise made May 6, 1875, between Covington and

Lexington Railroad Company and George H. Pendleton and others, 750 shares of stock in the Kentucky Central Railroad Company of \$100 each were issued February 28th, 1876, to Bourbon county in lieu of said subscription; and whereas, Bourbon county being largely in debt for said subscription, and for a subscription to Maysville and Lexington Railroad Company; and whereas, at the urgent and almost unanimous desire of the tax-payers of Bourbon county the county court of said county, composed of the county judge and magistrates, did on June 16th, 1881, order said stock to be sold to pay said debt, and in accordance with said order said stock was sold at sixty cents on the dollar, and the money from said sale, amounting to \$45,000, was paid to the treasurer of said county; and whereas, there is some doubt as to the legal right of said court to sell said stock; now, therefore, in order to legalize said sale and protect said court,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sale and transfer of the stock described in the preamble hereto be, and the same is, declared valid and legal, and to have the same binding force and effect as if sold by virtue of and under an act of the General Assembly of the State of Kentucky.

§ 2. That this act shall take effect from its passage.

Approved January 6, 1882.

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## CHAPTER 25.

AN ACT to authorize the sale, as a whole, or in separate sections, of the turnpike road, with its franchises, leading from Lexington, in Fayette county, to Centreville, in Bourbon county, known as the Lexington, Russell and Cynthiana Turnpike Road.

WHEREAS, Robert F. Johnson, of Fayette county, is the owner of a turnpike road with all its franchises leading from Lexington, in Fayette county, to Centreville, in Bourbon county, known as the Lexington, Russell and Cynthiana Turnpike Road; and whereas, said Johnson desires to make sale of said road; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said Robert F. Johnson be, and he is hereby, authorized and empowered, either at public or private sale, to

sell said turnpike road, with all the rights, privileges, and franchises appertaining thereto or anywise connected therewith, including the right to take toll thereon, and to convey the same by deed to any purchaser or purchasers thereof; and said purchaser or purchasers shall be invested with a title to said road and its franchises in all respects as ample as the title of its present owner, subject to all the duties and restrictions now imposed by law upon the owner of said road with respect to keeping the same in proper repair and condition, and as to taking tolls thereon.

§ 2. Said Robert F. Johnson is further authorized and empowered to sell and convey said road, with the franchises appertaining thereto, in two separate divisions, beginning at the respective termini of said road, and neither division to be less than five miles in length. He is empowered and authorized to sell and convey either or both of said divisions, and to transfer to the purchaser or purchasers all the rights, privileges, and franchises, including the right to take toll on the part or parts so sold, and subject to the same limitations, duties, and responsibilities as to keeping said road in repair, and as to taking tolls thereon, as are now imposed by law on the present owner thereof.

§ 3. Upon the sale and conveyance of all or either section of said road by said Johnson, all the rights, privileges, and franchises of every kind connected with said road, or with the section or sections so sold, shall be transferred to the purchaser or purchasers thereof; and said Johnson, on completion of said sale and conveyance, shall be relieved of all his present duties and responsibilities as the owner of said road, or of the part or parts so sold, and the said duties and responsibilities shall be imposed on the purchaser or purchasers thereof in like manner and to the same extent as on its present owner.

§ 4. If in any sale of the said road, or of either or both sections thereof, any portion of the agreed price shall be unpaid at the date of conveyance, said Johnson may retain a lien in the deed of conveyance for the unpaid portion of the purchase-money in like manner as liens are authorized by law to be retained in sales and conveyance of real estate; and in case the purchaser or purchasers shall make default in the payment thereof, the owner of the obligation for the unpaid purchase-money may bring his suit in the Fayette circuit court or in the Fayette court of common pleas to

enforce his lien ; and said court is authorized and empowered to enforce the said lien on the said road and its franchises, or on the part thereof on which the lien exists, and to have the same sold as an entire thing for the satisfaction of the unpaid purchase-money, and shall convey to the purchaser or purchasers thereof the title to the said road, or the section or sections so sold and all the franchises connected therewith, including the right to take tolls thereon.

§ 5. This act shall take effect from its passage.

Approved January 6, 1882.

## CHAPTER 26.

AN ACT authorizing the county court of Daviess county to levy an ad valorem tax for county purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Daviess county, composed of the judge thereof and the justices of the peace, be, and they are hereby, authorized and empowered to levy an ad valorem tax of not exceeding ten cents on each one hundred dollars on all property in said county listed for taxation for revenue purposes, and said court may make such levy for the years 1882 and 1883.

Ad valorem tax.

§ 2. That the presiding judge of said court shall annually, or oftener, if necessary to fill a vacancy, appoint a collector of said county, who shall hold his office for one year from the time of his appointment, and until his successor is appointed and qualified; and it shall be the duty of said collector to collect and pay over, under orders of said court, all taxes levied under this act, and to enable him to so collect he may make distress, levy, and sale of property, real and personal, as now provided by law for sheriffs in the collection of the revenue of this Commonwealth.

Collector.

Term.

Powers.

§ 3. Said collector shall execute bond, with good and approved security, for the faithful performance of his duties, upon the same conditions, and in the same manner, as is now by law required of sheriffs of this Commonwealth for the collection of the county levy, and he and his sureties shall be liable on said bond for all failure of duty under this act, and subject to all the penalties now imposed by law for like fail-

Bond

## Commissions.

ure of duty of sheriffs of this Commonwealth. The said collectors shall be allowed the same commission for collecting said taxes as sheriffs are allowed for collecting the revenue of this Commonwealth, and shall in all other respects be governed by the laws prescribed for the collection and payment of the county levy.

§ 4. This act shall take effect and be in force from its passage.

Approved January 6, 1882.

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CHAPTER 30.

AN ACT authorizing Simpson county court to levy an extra tax for county purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Simpson county, Kentucky, be, and it is hereby, empowered and authorized to levy an additional ad valorem tax, of not exceeding ten cents on every one hundred dollars' worth of property, real and personal, in said county.

§ 2. That said court are empowered and authorized to levy an additional tax of twenty-five cents on each tithable in said county.

§ 3. These levies to be applied to county purposes.

§ 4. This act to take effect from and after its passage.

Approved January 7, 1882.

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CHAPTER 31.

AN ACT to authorize the county court of Trimble county to sell the present poor farm of said county, and to re-invest the proceeds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Trimble county, consisting of the county judge and justices of the peace of said county, be, and it is hereby, authorized and empowered to sell and, by commissioner appointed for that purpose, to convey to the purchaser the present poor farm of said county. The pro-

ceeds of such sale shall be invested in another farm, to be used for the same purposes.

§ 2. This act shall take effect from and after its passage.

Approved January 7, 1882.

## CHAPTER 32.

AN ACT to amend and repeal in part an act, entitled "An act to amend the charter and change the name of the Chestnut Street Presbyterian Church of Louisville," approved February 14, 1876.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the name "Broadway Tabernacle Presbyterian Church," conferred upon the Chestnut Street Presbyterian Church of Louisville by the act of the Legislature referred to in the title of this act, shall be, and it is now and hereby, changed to Warren Memorial Presbyterian Church of Louisville; and by that name it shall hereafter be known, and shall contract, sue and be sued, and conduct its business and affairs in said name.

§ 2. The officers of said Warren Memorial Presbyterian Church of Louisville are hereby denied all power and authority to place any lien or encumbrance on the church property on the southwest corner of Broadway and Fourth Avenue for any purpose whatever.

§ 3. That sections 3, 4, 5, and 7 of the said act approved February 14, 1876, mentioned in the title of this act, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved January 7, 1882.

## CHAPTER 33.

AN ACT to regulate the county levy of Boyd, and to authorize an ad valorem tax in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county levy in Boyd county shall not hereafter exceed in any one year one dollar and fifty cents on each tithable.

§ 2. The levy court of the county of Boyd is hereby authorized to levy an ad valorem tax, not to exceed in any one year fifty cents on the one hundred dollars' worth of property subject to taxation in said county for revenue purposes, which tax shall be assessed, levied, and collected as other taxes are required to be assessed, levied, and collected in said county.

§ 3. All laws coming within the purview of this act are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved January 7, 1882.

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#### CHAPTER 34.

AN ACT for the benefit of A. M. Feland, late sheriff of Lincoln county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the further time of one year from the passage of this act be allowed A. M. Feland, late sheriff of Lincoln county, and his deputies, or such deputies as he may hereafter appoint, in which to collect, by distraint or otherwise, all uncollected taxes and fee-bills due him while acting as sheriff of said county under appointment of the county judge, or by election, subject to all the pains and penalties now provided by law for collecting illegal fee-bills and back taxes.

§ 2. *Provided*, That any tax-payer who has lost his tax receipt, who may make oath that he has paid the tax, shall be clear of said tax.

§ 3. This act shall take effect from its passage.

Approved January 7, 1882.

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#### CHAPTER 35.

AN ACT to authorize the county court of Trimble county to levy an ad valorem tax of ten cents on each one hundred dollars' worth of taxable property for certain purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Trimble county be, and it is hereby, authorized and empowered to levy an ad valorem



tax of not exceeding ten cents on each one hundred dollars' worth of taxable property in said county in each year hereafter, said tax to be applied to the purpose of paying for a suitable poor farm for said county, and to the payment of such other county expenses as the regular county levy is insufficient to meet.

§ 2. For the purpose of making the levy provided for in the first section of this act for the year 1882, it shall be the duty of the county judge of said county to convene the justices thereof on the second Monday in February, 1882, and said tax shall be collected as other State and county taxes are collected. The levy for each succeeding year shall be made at the regular court of claims.

§ 3. This act shall take effect from its passage.

Approved January 7, 1882.

## CHAPTER 36.

AN ACT to authorize the Bourbon county court to raise money to pay claims against the county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That any surplus funds in the hands of the treasurer or sheriff of Bourbon county, or any collecting officer thereof, remaining in the sinking fund of said county after the debts for which said fund was created have been paid, or any surplus money arising from taxes levied or to be levied for any purpose may, by order of the county court of said county, be applied in discharge of any present or future claims against said county.

See Acts 1867-'8,  
vol. 1, page 156.

§ 2. To meet claims now existing, or which may hereafter be allowed, against said county, the court of claims thereof, a majority of the justices of said county consenting in open court, may levy a poll-tax not exceeding two dollars on each person liable to pay tithes under the general law, and they may in like manner levy an ad valorem tax annually not exceeding fifteen cents on each one hundred dollars' worth of property in said county, subject to taxation for revenue purposes, said taxes to be collected by the same officers, in the same manner, and under the same penalties, as now apply to the collection of the county levy.

Poll tax.

Ad valorem tax.

§ 3. The bond given as now required by law for the collection of the county levy shall cover the collection of the ad valorem tax.

§ 4. All laws in conflict with, or within the purview of this act, are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 7, 1882.

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#### CHAPTER 37.

AN ACT to repeal an act, entitled "An act to prohibit granting license to coffee-houses, saloons, taverns, or tippling-houses to sell spirituous, vinous, or malt liquors, or mixtures of either, in Fulton county," approved April the 6th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act to amend an act, entitled "An act to prohibit granting license to coffee-house, saloon, tavern, or tippling-house to sell spirituous, vinous, or malt liquors, or mixtures of either, in Fulton county," approved April the 6th, 1880, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 7, 1882.

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#### CHAPTER 39.

AN ACT to legalize the purchase of bonds of Bourbon county by the sinking fund commissioners of said county, and to authorize them to purchase outstanding bonds of said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all the acts of the sinking fund commissioners of Bourbon county in purchasing the bonds of the county above par are hereby legalized and declared valid and legal, and they are relieved of all responsibility thereof.

§ 2. In redeeming any of the remaining outstanding bonds of the county before their maturity, said commissioners are authorized to pay for same any sum above par which may be fair and reasonable.

§ 3. All acts or parts of any acts, so far as in conflict with this act, are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved January 7, 1882.

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## CHAPTER 42.

AN ACT to grant and confirm unto the Louisville, St. Louis and Texas Railway Company (consolidated), the rights, powers, privileges, franchises and immunities of the Kentucky Southern Railroad Company and the Louisville, Cloverport and Western Railway Company.

WHEREAS, The Kentucky Southern Railroad Company and the Louisville, Cloverport and Western Railway Company, with the ratification of their stockholders, have consolidated and amalgamated its stock, franchises, and property, thereby now constituting one company, under the corporate name of the Louisville, St. Louis and Texas Railway Company; now, because of the premises,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said Louisville, St. Louis and Texas Railway Company shall, by that name, have, and there is hereby granted and confirmed unto it, all the rights, powers, privileges, franchises, and immunities conferred by law upon said Kentucky Southern Railroad Company, and upon said Louisville, Cloverport and Western Railway Company, including all such rights, powers, privileges, franchises, and immunities as were granted and conferred by the acts incorporating each of said companies, and also those conferred by any act amendatory of either of said incorporating acts which have been passed by the General Assembly of this Commonwealth; but where either of said charters or acts amendatory thereof have been changed or modified by later acts of the General Assembly, this act shall not be so construed as to revive or re-enact any provisions of such charters or amendments so repealed or modified, and the board of directors of said Louisville, St. Louis and Texas Railway Company shall have the same powers as have been conferred by any of the acts aforesaid upon the president and directors, the president and board of directors, or the board of directors of either of said companies.

§ 2. That the Louisville, St. Louis and Texas Railway Company may, for the purpose of constructing, completing, improving, and operating the line of railroad of this company; issue and negotiate income bonds, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding ten thousand dollars per mile for each mile of road to be constructed by said company; said bonds to be for the sum of one thousand dollars and five hundred dollars each, and to be payable at not more than thirty years from their date of issue; each of said bonds shall also provide for payment to the bearer or holder thereof such interest in like currency on the principal of said bonds, not, however, to exceed six per cent. in any one year, as the directors of the company shall annually, during the currency of said bonds, fix and declare as the year's installment of interest due and payable out of the net earnings of the line of railroad belonging to said company; such interest installments shall be fixed and declared by the board of directors of said company in each year thereafter until the maturity of said bonds. But no such interest is, under any circumstances, to be due and payable, except out of the net earnings applicable to such purpose, and after the amount shall have been ascertained and declared by said board of directors.

§ 3. That for securing the payment of said income bonds and interest, said company may execute a mortgage or deed of trust, conveying said railway and its property and franchises to a trustee or trustees, and with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

§ 4. The Legislature hereby reserves the right to regulate the rates of freights and passage over said road, or any road it may own, operate, or otherwise acquire, and to repeal or

§ 5. If the said company fails to begin to construct said road within five years from the date of the passage of this act, then the charter thereto shall be forfeited.  
amend the charter thereof.

§ 6. All authority or power granted by the said charters of said companies allowing county courts, precincts, districts, cities, or towns to subscribe to the capital of said companies, or the right of said companies to receive subscription of

stock from said counties, precincts, district, cities or towns, are hereby repealed.

§ 6. This act to take effect from and after its passage.

Approved January 13, 1882.

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CHAPTER 44.

AN ACT to incorporate Charter Oak Lodge, Knights of Pythias, No. 46, of Ludlow, Ky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the officers and members of Charter Oak Lodge, No. 46, Knights Pythias, of Ludlow, Kentucky, and their successors, be, and are hereby, created a body-politic and corporate, in perpetual succession, by the name and style of Charter Oak Lodge, No. 46, Knights of Pythias, of Ludlow, Kentucky; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding real and personal estate; to receive all necessary conveyances; to sell, convey, mortgage, and dispose of all such estate, real or personal, as they now have or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings, shall not exceed fifty thousand dollars.

§ 2. All contracts heretofore made by said lodge, and all agreements made by others with her, are, by this act, legalized and made binding on all parties, and said acts are to have the same validity and be enforced in the same manner they would if done or made after the passage of this act.

§ 3. That the supervision and care of the funds, investments, and other lodge property shall be, and is hereby, confided to L. W. Brown, J. Bittman, and Wm. Lang, trustees of said lodge, and their successors in office, who, or a majority of whom, shall have full power to make all contracts pertaining to the estate, real or personal, of said lodge in any respect, either purchasing, building, or renting, or for any other purpose, as the lodge may direct, and whose action shall be binding and obligatory upon said lodge when done in pursuance of the rules, by-laws, and instructions of said lodge, and that service or process, or notice of said lodge to

the trustees, or their successors in office, shall be sufficient notice to said corporation.

§ 4. That the said lodge may, at any time, alter or amend, when deemed proper, the constitution, by-laws, rules and regulations, now in force in said lodge, and frame such constitution, by-laws, rules and regulations, as may be necessary for the protection, management, and safe-keeping of the property of said lodge, and for the government thereof: *Provided*, Such changes, alterations, or amendments be not in contravention with the Constitution and laws of the State or the United States.

§ 5. The right to alter, amend, or repeal this act is hereby reserved by the General Assembly.

§ 6. This act to take effect from and after its passage.

Approved January 14, 1882.

#### CHAPTER 45.

AN ACT of incorporation for Liberty Lodge, No. 150, of Independent Order of Odd Fellows at Lowe's Cross Roads, in Graves county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

<p>Corporators' names.</p> <p>Name and style.</p>	<p>§ 1. That R. W. Mahan, R. T. Hocker, Coleman Farthing, J. M. Armistead, J. W. Hocker, and J. C. Dunn, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Liberty Lodge, No. 150, of the Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make and have and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: <i>Provided</i>, They be not in contravention of the Constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February the 16th day,</p>
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1838, nor in contravention of the Constitution and laws of the United States or of the State.

§ 2. That said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds.

May acquire real and personal property, and dispose of same.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly; but the repeal shall not deprive the parties interested of the property or effects acquired or held under this act.

§ 4. Said corporation shall have the right to issue bonds not exceeding ten thousand dollars in value, and mortgage their property to secure payment of the same.

May issue bonds, and secure the same by mortgage.

§ 5. This act shall take effect from its passage.

Approved January 14, 1882.

#### CHAPTER 46.

AN ACT to amend an act, entitled "An act to incorporate the Mt. Sterling Coal Road Company"

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the corporate name of the Mt. Sterling Coal Road Company be, and the same is hereby, changed to the Kentucky and South Atlantic Railway Company, by which last named title said company shall hereafter be known and act, and the said Kentucky and South Atlantic Railway Company shall have all the rights, powers, and privileges of the Mt. Sterling Coal Road Company, and be subject to all of its liabilities and limitations.

Name changed.

§ 2. That the said company shall be, and is hereby, authorized and empowered, by the vote of the holders of a majority of the capital stock thereof, at any regular or called meeting of the stockholders of said company, to purchase any railroad or railroads connecting with it, or that may be made connecting roads, or to consolidate the said company with any company controlling or owning such roads, or to subscribe to or for the capital stock, in whole or in part, of such roads. In the event of the purchase of, or a subscription to, or for stock in any such railroad or railroads as herein authorized, the said Kentucky and South Atlantic Railway Company shall be,

Powers.

and is hereby, authorized to pay for the same in money, stock, or bonds; and in order to make provision therefor the said company shall be, and is hereby, authorized and empowered, with the consent of the holders of a majority of the capital stock thereof, to increase its capital stock, or to issue bonds in amount sufficient to pay for the same, payable at any period not exceeding thirty years after the date thereof. Said bonds may be made payable in or out of Kentucky, and shall bear an annual interest, not exceeding ten per centum per annum, payable semi-annually, and may be sold for an amount less than par, if deemed advisable by the company. To secure the prompt payment of said bonds, the Kentucky and South Atlantic Railway Company is hereby authorized and empowered to give and execute a mortgage lien upon the property, franchises, rights, and credits of said corporation, and pledge the same as a security for said loan or bonds of said corporation issued for the purpose aforesaid; and all bonds made or issued by said corporation for the purposes aforesaid shall be binding and obligatory.

§ 3. The said company may construct telegraph lines along the main road or any branch, and keep batteries at such points or places as they may deem proper, and make such connections with other lines as may be desired.

Exemption from  
taxation.

Proviso.

§ 4. That that portion of the said company's road constructed, or which may be constructed, from Mt. Sterling through the Commonwealth to a point on the Virginia or Tennessee line, with its road-bed, bridges, depots, shops, and appurtenances belonging thereto, shall be, and are hereby, exempted free from taxation, State, county, or municipal, for the period of five years from the passage of this act: *Provided, however,* That if said company shall not, within five years of the passage of this act, construct at least ten miles of new road in extension of the present completed road, then they shall pay taxes on the part now constructed for the whole period.

Regulating rates.

§ 5. The Legislature hereby reserves the right to regulate the rates of freight and passage, within the State of Kentucky, over the railroad hereby incorporated, and over any railroad it may acquire by purchase, consolidation, or otherwise, and the right to amend or repeal this charter.

§ 6. That the said company is given authority, and is hereby authorized and empowered to contract with the Coal Road.



Construction Company for the further extension and operation of its main line, or any branch that it may determine to build.

§ 7. The right to amend or repeal this act, and the charter of any railroad acquired by the aforesaid company, or any amendments of such charter, is hereby reserved to the General Assembly, whether such charter or amendatory acts were enacted before or since the 14th day of February, 1856. Reservation.

§ 8. All acts in conflict with this act are hereby repealed; and this act shall take effect from and after its passage.

Approved January 14, 1882.

#### CHAPTER 48.

AN ACT establishing the boundary line of the town of Foster, in Bracken county.

WHEREAS, There is a dispute now existing in reference to the true boundary line of the town of Foster; now, for the purpose of settling all dispute, and establishing the boundary line thereof, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That so much of the county of Bracken as is embraced within the following boundary shall be known as the town of Foster, and shall be governed by the existing charter, corporation by-laws, rules and regulations now in force in said town of Foster: beginning at a stone on the bank of the Ohio river (upper corner of the town) in Thomas Connelly's line, linn tree bears north seventeen degrees east fourteen links; thence south seventeen degrees west eighty-three and sixty-four hundredths poles, with Connelly's line, to a stone, the original southeast boundary of said town; thence on the same line and direction twelve and thirty-sixth hundredths poles to the center of the Foster Turnpike Road; thence north seventy-three degrees west thirty poles to the center of the channel of Holt's creek; thence down and with said creek to the Ohio river; thence up the southern shore of the river at low-water mark to a point opposite the place of beginning; thence to the place of beginning.

§ 2. This act to take effect from and after its passage.

Approved January 14, 1882.

## CHAPTER 49.

AN AOT to incorporate the Jefferson School of Medicine.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Henry Watterson, Basil Duke, Albert Willis, Philip Speed, Geo. W. Norton, Alfred T. Pope, W. L. Jackson, J. P. Boyce, and W. B. Hoke, be, and they are hereby, created a body-politic and corporate, with perpetual, to be known as the trustees of the Jefferson School of Medicine, and by this style be empowered to acquire and hold, in the city of Louisville, property, personal, real, or mixed, to any amount not exceeding one hundred thousand dollars, to be used for the benefit of said Jefferson School of Medicine in the said city of Louisville.

§ 2. That the said trustees shall elect a president and secretary and such other officers as may be necessary to transact the business of the corporation; and when thus organized may make, have, and use a common seal, which they may change or alter at pleasure.

§ 3. That the said trustees shall have power to appoint as many teachers or professors of medicine, surgery, dentistry, and the collateral sciences as they may deem necessary, and may confer the degrees or titles of Doctor of Medicine, Doctor of Dentistry, or the minor degrees of Bachelor or Master of these professions, or either of them, upon such applicants as may be recommended by its faculty or corps of teachers or professors, or by any examining board of experts to whom they may commit the duty or office of examination, and grant diplomas in ordinary or *causa honoris* to such persons as they may deem worthy.

§ 5. The majority of the whole number of trustees shall constitute a quorum to transact all the ordinary business of the corporation; but in the election or removal of professors or teachers, a majority equal to three fourths of the whole body shall be necessary to a final decision.

§ 6. Vacancies in the board of trustees from any cause may be filled by the acting members.

§ 7. The trustees may create and sell scholarships: *Provided*, That all money received through the sale of such scholarships shall be invested for the benefit of said school, and

that the amount realized from this source shall not exceed twenty thousand dollars.

§ 8. This act shall take effect from its passage.

Approved January 14, 1882.

CHAPTER 50.

AN ACT to incorporate the Kentucky Wagon Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That "The Kentucky Wagon Manufacturing Com-  
pany" be, and the same is hereby, incorporated, and by that  
name it may sue and be sued, contract and be contracted  
with; it may have a seal, and alter or change the same at  
pleasure; acquire, hold, and transfer all real and personal  
property necessary for the conducting of its business, and for  
securing debts and liabilities to it, as fully as though it was a  
natural person, and also shall have the rights, powers, and  
privileges ordinarily pertaining to corporate bodies of like  
character. It may, by its directors, make all rules and by-  
laws necessary for the management of its affairs not incon-  
sistent with the Constitution and laws of this State or the  
United States.

Name.

Powers.

Rules and by-  
laws.

§ 2. That the capital stock of this company shall be three  
hundred thousand dollars (\$300,000), to be divided into  
shares of one hundred dollars (\$100) each, and the stock-  
holders may, whenever they deem it proper, increase said  
stock from time to time until it shall reach one million dol-  
lars. The said company may carry on its business when-  
ever 1780 shares of stock have been subscribed and paid in.  
Certificates of stock shall be issued to each stockholder,  
signed by the president and countersigned by the secretary,  
which shall be transferable by the holder; but no such trans-  
fer shall be valid, except between the parties thereto, until  
the same is regularly entered upon the books of the com-  
pany, so as to show the name of the person to whom and by  
whom made, the date of the transfer, and the number of the  
shares transferred.

Amount of capi-  
tal.

Amount to be  
paid in.

Stock, and trans-  
fer of same.

§ 3. The business of this company shall be conducted by a  
board of not less than five nor more than nine directors, to  
be chosen by the stockholders from their own number, and  
who shall vacate their offices when they cease to be stock-

holders. They shall hold office for two years from the regular election, and until their successors, duly chosen, shall enter upon the duties of their office; but whenever a majority of the newly elected directors shall enter upon their offices, then all the members holding over shall cease to act. The directors shall have power to fill any vacancy in the directory until the regular election. They shall appoint one of their number president, and one vice president, and appoint a treasurer, general manager, secretary, and superintendent, and may engage such other subordinate officers as they may deem necessary, and may fix the salaries and times and manner of payment of all officers, and shall prescribe the duties of all such. A majority of the directors or stockholders shall constitute a quorum to transact business whenever a meeting of either is held. The times of holding all elections shall be fixed in the by-laws of the company, and each share of stock shall entitle the holder to one vote in all elections or matters submitted to a vote of the stockholders.

§ 4. The business of this company shall be manufacturing, selling, buying, and trading in sleighs, wagons, buggies, carriages, wheelbarrows, carts, and wheeled vehicles of all kinds, and the materials used in the construction of the same, and shall be carried on in or near Louisville, Jefferson county, Kentucky; but it shall have the right to establish agencies and offices elsewhere to assist in carrying out the objects of the company.

§ 5. The company organized under chapter 56, title "Incorporated Companies," of the General Statutes, called the Kentucky Wagon Manufacturing Company, may, by a vote of the majority of its stock, accept this charter; when that is done the capital stock of that company shall become capital stock in this company, and the assets and liabilities of that company shall become the assets and liabilities of this company, and certificates of stock in that company shall be surrendered and new ones issued, and this company shall supersede and stand in place of that one in every particular, except that its corporate existence, rights, powers, and privileges shall be derived from this charter instead of from chapter 56 of the General Statutes, and all the powers of the former company under said chapter shall cease to exist. That Stephen E. Jones, president; Irvine H. Eddy, vice president; Wm. C. Nones, treasurer and general manager, and C. B. Robinson,

secretary, officers; and Stephen E. Jones, Irvine H. Eddy, Wm. C. Nones, C. B. Robinson, W. M. Robinson, R. J. Browne, E. T. Halsey, Jno. H. Ward, and W. H. Webster, directors of said company, shall continue in office until 2d Tuesday in January, 1883, unless they or either of them shall become disqualified as provided in section three of this act, or shall resign. But the directors may at any remove any officer for cause.

§ 6. The directors shall declare and pay to the stockholders, Dividends. from the net profits of the business, such dividend or dividends as in their discretion is wise and prudent.

§ 7. The private property of the corporators and stockholders of this company shall be exempt from all liability for the debts or liabilities of the company.

§ 8. This act shall take effect from and remain in force fifty years after its passage.

Approved January 16, 1882.

## CHAPTER 51.

AN ACT to incorporate Wingate Lodge, No. 161, Free and Accepted Masons,  
in Shelby county.

*Be it enacted by the General Assembly of the Commonwealth  
of Kentucky :*

§ 1. That the officers and members of Wingate Lodge, No. 161, of Shelby county, and those who may hereafter become members thereof, be, and they are hereby, created a body-corporate, by the name and style of Wingate Lodge, No. 161, Free and Accepted Masons; and by that name shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real and personal estate as they now have or may hereafter acquire, or any interest therein.

§ 2. That the management of the concerns of said lodge shall be, and is hereby, confined to J. L. Wright, W. P. Ray, W. L. Hammond, and C. Basye, master, wardens, and secretary of said lodge, and their successors in office, as trustees thereof, who shall have full power to make all contracts per-

taining to the personal or real estate in any respect, either in purchasing, building, renting, selling, or for any and every other purpose, which shall be binding and obligatory upon said lodge when made in pursuance of an order under the by-laws and instructions of said lodge; and service of process on any of said trustees shall be sufficient notice to said corporation.

§ 3. That all acts of said lodge heretofore done, or of any member thereof, in behalf of said lodge, touching the purchase, building, holding, sale, loaning, and conveyance of any property owned, used, or conveyed by said lodge, or any member thereof acting as a committee appointed by said lodge, and in pursuance of instructions thereof, be, and the same are hereby, legalized and confirmed as fully and effectually as if done in their present incorporated capacity as herein created.

§ 4. Said corporate body may have and use a corporate seal, which they may alter or renew at pleasure.

§ 5. The General Assembly reserves the right to amend, change, or modify this charter at pleasure.

§ 6. This act shall take effect from and after its passage.

Approved January 16, 1882.

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## CHAPTER 52.

AN ACT to amend an act, entitled "An act to organize, establish, and incorporate the Cadiz High School, in the town of Cadiz, in Trigg county," approved February 26, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of section twenty of an act, entitled "An act to organize, establish, and incorporate the Cadiz High School, in the town of Cadiz, in Trigg county," approved February 26, 1878, be, and the same is hereby, amended and continued in full force and effect for the period of five years from and after the 26th day of February, 1883.

§ 2. That hereafter the one or more poor orphan children of Trigg county, to the payment of whose tuition the interest upon the money received by the said school from the estate of M. McCollum, deceased, is devoted, shall be named and appointed by the trustees, or a majority of the trustees of

the said Cadiz High School, instead of the county judge of Trigg county, as now provided by law.

§ 3. That all acts in conflict with this act are hereby repealed.

§ 4. This act shall take from and after its passage.

Approved January 16, 1882.

### CHAPTER 53.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within one mile of the Seven Gums, in Union county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person to sell or vend spirituous, vinous, or malt liquors, or a mixture of either, at the Seven Gums, in Union county, or within one mile thereof.

§ 2. That any person who shall sell or vend, in any manner whatever, any spirituous, vinous, or malt liquors, or a mixture of either, at Seven Gums, or within one mile thereof, shall be deemed guilty of keeping a tipling-house, and for each offense shall be fined not less than twenty nor more than Fine. sixty dollars.

§ 3. Prosecutions for a violation of the provisions of this act may be had in any court having jurisdiction to try such offenses under the General Statutes.

§ 4. This act shall take effect from its passage.

Approved January 16, 1882.

### CHAPTER 54.

AN ACT to prohibit the sale of spirituous, vinous, and malt liquor in the town Hardinsville, Shelby county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall not be lawful for any person or persons to sell any spirituous, vinous, or malt liquors within the limits of the Hardinsville voting precinct, of Shelby county.

§ 2. That for every violation of section one, the penalty shall be as prescribed by the General Statutes for retailing without license or keeping a tipling-house.

§ 3. This act to take effect from and after its passage.

Approved January 16, 1882.

## CHAPTER 57.

AN ACT to incorporate the Kentucky Manufacturing Establishment for the Blind.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Dexter Hewett, John L. Chilton, John T. Gathright, Thomas W. Bullitt, Bennett H. Young, John M. Delph, William B. Hoke, David M. Rodman, and Francis W. Ratcliffe, and their associates and successors, be, and they hereby are, created a body-corporate and politic, with perpetual succession, under and by the name of "The Kentucky Manufacturing Establishment for the Blind."

§ 2. The principal place of business of the corporation shall be in the city of Louisville, or county of Jefferson, State of Kentucky.

§ 3. The object of this corporation shall be to institute a manufacturing establishment which will afford employment for the blind, and in which they may be trained in various mechanical arts and employments, for which purpose it may purchase and hold such real and personal property as may be necessary for the conduct of its business, not exceeding one hundred thousand dollars in amount or value.

§ 4. It shall be competent for this corporation to raise a fund out of its profits, or by receiving donations or bequests, for the purpose of maintaining blind apprentices while learning their trades.

§ 5. The capital stock shall be twenty-five thousand dollars, divided into shares of five dollars each. The corporation shall commence on the — day of —, 1882, and be perpetual. The affairs of the corporation shall be conducted by a board of directors consisting of nine men, who shall be elected by the stockholders annually on the first Monday of April in each year, and hold until their successors are elected; but the persons herein named as incorporators shall constitute the board of directors until the first Monday in April, 1882, when the first election under this charter shall take place.

§ 6. In all elections, and upon all questions upon which the stockholders may vote, each stockholder shall be entitled to one vote for each share of stock held by him. Stock may be voted in person or by written proxy.



§ 7. Meetings of stockholders shall be held once in each year, on the first Monday in April, at the office or principal place of business of the corporation, and called meetings of the stockholders may be held at any time that the directors may think proper; but a notice of the time and place of holding such called meetings shall be given by advertisement in some newspaper published in the city of Louisville at least one week before the holding of such meetings.

§ 8. The directors shall appoint from their number a president, treasurer, and secretary, and may, in their discretion, require bonds for the performance of their duties. The board may also employ a superintendent, and such other agents for the transaction of the business of the corporation in this city and county, or elsewhere, and upon such compensation as they may deem proper, and may remove such officers at pleasure.

§ 9. The directors may fill any vacancy in the board caused by death, resignation, or otherwise; the newly appointed directors to hold during the term of their predecessors.

§ 10. Private property of stockholders is to be exempt from corporate debts.

§ 11. The board of directors shall prescribe the several trades and employments which shall be conducted in said establishment.

§ 12. All profits arising from labor or trade in said establishment, or from increase in the values of property, and all acquired through and by donations, bequests, or otherwise, shall be held in trust by the board of directors for the perpetuity and maintenance of said establishment, and applied to the purposes specified in this charter, and shall in no case be paid as dividends to stockholders.

§ 13. All property, real, personal, and mixed, owned by said corporation, and held by devise or purchase, shall be exempt from all taxes, general or special.

Approved January 16, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 58.

AN ACT for the benefit of the sheriff of Allen county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the judge of the Allen county court is, and he is hereby, authorized to receive the delinquent list of John D. Calvert, sheriff of Allen county, for the year 1881, and certify the sum in as full a manner and to the same effect as if a majority of the justices of said county were in office and approved the same.

§ 2. And when said list is so received and allowed by said county judge, the Auditor of Public Accounts is authorized and directed to allow said sheriff, J. D. Calvert, credit by same in any settlement he may make with said sheriff in regard to the revenue due from said county.

§ 3. This act shall take effect from and after its passage.

Approved January 16, 1882.

## CHAPTER 59.

AN ACT to incorporate the Chesapeake, Ohio and Southwestern Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Incorporation. § 1. That the Chesapeake, Ohio and Southwestern Railroad Company, owning and operating the railroad from Memphis to Paducah (heretofore known as the Memphis, Paducah and Northern Railroad), organized under the general laws of the State of Tennessee, by taking the steps and filing the certificate of the board of directors as required by an act of the General Assembly of that State passed March 12th and approved March 16th, 1877, entitled "An act as to the sale of railroads under mortgage, granting certain powers to purchasers and authorizing incorporation of purchasers, which said certificate is recorded in corporation record book D, page 548, in the office of the Secretary of the State of Tennessee, be, and the same is hereby, created and declared to be a body-politic and corporate within the State of Kentucky, and, except as herein otherwise provided, shall have, enjoy, and exercise all the rights, powers, franchises, privileges, and immunities conferred upon the Memphis, Paducah and

Northern Railroad Company by an act, entitled "An act to incorporate the Memphis, Paducah and Northern Railroad Company," approved March 25th, 1878; and, except as aforesaid, the provisions of the enacting part of said act, from section two to section thirty-nine thereof, both inclusive, are re-enacted as the charter of the Chesapeake, Ohio and Southwestern Railroad Company; but said act, as herein applied to the Chesapeake, Ohio and Southwestern Railroad Company, shall be, and is hereby, amended in the following particulars, viz:

§ 2. Bondholders shall not, by reason of holding bonds, be entitled to vote at corporate meetings of stockholders, unless such privilege is expressly conferred by the terms of the bonds held by them respectively. Who vote.

§ 3. Section 2 of said act shall be amended by striking therefrom so much as requires the capital stock to be issued as the "purchasing trustees" therein named shall direct, and so that said corporation may have power to issue, on such terms and in such manner as it may determine, the common stock therein authorized, and in addition thereto, a preferred capital stock not exceeding two million dollars. Common stock.

§ 4. Section 14 of said act shall be so amended as to read on the whole as follows: "Until the holding of the first election, as is provided, and until their successors shall have qualified, the president and directors of the said Chesapeake, Ohio and Southwestern Railroad Company, organized as above mentioned, under the laws of Tennessee, shall be the president and directors of the corporation hereby created." President and directors.

§ 5. Section 15 of said act shall be amended by striking out the first paragraph thereof, ending with the words, "trusts of said contract recited in the preamble hereof," and inserting in lieu thereof the following words: "The said corporation may cause to be executed and issued in its corporate name, and in one issue, or in successive issues, bonds to the amount authorized and directed by the contract recited in the preamble of said act of March 25th, 1878, and recited as having been issued in the two mortgages of said Memphis, Paducah and Northern Railroad Company, both dated the 31st day of January, 1880; the one made to C. J. Canda and J. A. Horsey, as trustees; the other to Ex. Norton and John T. Edmunds, as trustees; and such bonds may be secured by one or more deeds of trust or mortgages of said company upon all its Issue bonds.

corporate rights, powers, franchises, privileges, immunities, and property then existing, or to be afterward acquired, or upon any part thereof; and by striking out the name of the 'Memphis, Paducah and Northern Railroad,' and inserting that of the 'Chesapeake, Ohio and Southwestern Railroad,' in said section."

Construct rail-  
roads.

§ 6. Section 23 of said act shall be so amended as to read on the whole as follows: "Said corporation may construct a railroad, of one or more tracks, along its entire line, or along any line to be hereafter acquired by it, or along any part of same; may build an extension or extensions of its railroad, or acquire such extension or extensions by the purchase of any line or lines of railroad of other railroad companies, and may construct such branches or extensions of its lines, or of the lines so acquired, as from time to time it may determine, or may acquire the same by purchase; may sell or lease any line or lines of road owned by it; and may consolidate itself, its property, capital stock, and franchises, with those of any other railroad corporation incorporated by this or by any other State or States; and if said company shall, by purchase, construction, consolidation, or otherwise, as by this act allowed, acquire other line or lines of railroad, it may, from time to time, issue other and further common and preferred capital stock and bonds, but so that the aggregate capital stock and bonds of the corporation shall not bear a greater proportion, per mile, to its entire length of road than the common and preferred capital stock and bonds hereinbefore authorized bear per mile to the length of road between Paducah and Memphis, and may secure the bonds so issued by one or more deeds of trust or mortgages, covering all its property, rights, powers, franchises, privileges, and immunities then existing, or to be afterward acquired, or covering any part of same; and such mortgages may contain all or any such other provisions and stipulations as are allowed by said act of March 25th, 1878, in relation to the mortgages therein authorized. The resolution under which such additional capital stock shall be issued, shall declare what proportion thereof shall be preferred and what proportion shall be common stock; and said corporation may subscribe, purchase, and hold the capital stock or bonds of other railroad companies in or out of this State:" *Provided*, That if the said corporation shall, by consolidation or otherwise, acquire the Elizabethtown and

Paducah Railroad, it shall not by reason of any branch that may be built, or otherwise, discontinue the operation of said line from Memphis to Paducah or from Paducah to Elizabethtown, but through cars shall be kept on the road from Memphis to Paducah, and from Paducah to Elizabethtown.

§ 7. That said Chesapeake, Ohio and Southwestern Railroad Company may, in the ownership, management, control, and operation of any line or lines of railroad hereafter acquired by it, under the provisions of this charter, have, enjoy, and exercise the rights, powers, privileges, franchises, and immunities herein granted in relation to its said existing line, and shall be subject to the restrictions and limitations prescribed with reference to said existing line; and in the event of consolidation of said company with any other company as herein authorized, the consolidated company may, as to its property, have, enjoy, and exercise the rights, powers, privileges, franchises, and immunities herein conferred on the Chesapeake, Ohio and Southwestern Railroad Company, inclusive of powers as to capital stock and bonds, as well as concerning other general and special rights and franchises hereby conferred.

§ 8. It shall be lawful for said Chesapeake, Ohio and Southwestern Railroad Company, as heretofore organized in Kentucky and Tennessee (owning and operating said line of railroad from Memphis to Paducah), to execute and file for record in the McCracken county clerk's office a written acceptance of this act in lieu of the incorporation heretofore effected by said company in this State by filing in said McCracken county clerk's office the declaration required by said act of March 25, 1878, in the event of the purchase of said railroad upon the enforcement of the mortgages authorized by said act; and upon the filing for record of such acceptance the said Chesapeake, Ohio and Southwestern Railroad Company, as heretofore organized in Kentucky, shall be deemed to have accepted this charter in lieu of the charter acquired under said act of March 25, 1878, and to have transferred to the company hereby created all its rights, privileges, powers, franchises, and property. Said declaration shall be signed by the president and attested by the secretary of the said Chesapeake, Ohio and Southwestern Railroad Company, and shall be acknowledged by the president on behalf of the

Accepting charter.

company as deeds of corporations are required to be acknowledged.

§ 9. The Legislature reserves the right to regulate the rates of freight and passage within the State of Kentucky over the railroad hereby incorporated, and over any railroad it may acquire by purchase, consolidation, or otherwise; and this corporation shall be governed by any general law enacted by the Legislature of this State in regard to consolidation with parallel or competing lines.

§ 10. If the said Chesapeake, Ohio and Southwestern Railroad Company should purchase, lease, or operate under this charter the Cecilian Branch Railroad, that it be and is required, within a reasonable time after the acquisition of same, to so manage any bridge that now exists, or that hereafter may be constructed, over Salt river for the use of said company, so as not to obstruct the navigation of said river by any water-craft whatever.

§ 11. The consolidation of this corporation with any other company shall be and is authorized only on the condition that the charter of such other corporation shall thereby become subject to amendment and repeal by the Legislature according to the provisions of section 8 of chapter 68 of General Statutes, although the same may have been granted prior to the 14th day of February, 1856.

§ 12. This company shall not have the right, power, or authority, by virtue of any grant herein contained, nor shall it acquire the right, power, or authority, by purchase or by consolidation with any other railroad company, to call upon any county court, or the municipal authorities of any city or town, to submit to the voters of such county, city, or town, or to the voters of any civil district, the question whether or not such county, city, town, or civil district shall subscribe for any portion of its capital stock for the purpose of constructing any part of its road, or the branches thereof, or for any purpose whatever.

§ 13. This act shall take effect from its passage.

Approved January 18, 1882.

CHAPTER 60.

AN ACT to amend the charter of the Ohio Valley Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of the original charter to said Ohio Valley Turnpike Road Company shall be extended from the town of Foster to the Pendleton county line.

§ 2. That the board of directors of said road company shall have the power and privilege under said charter to extend said road; and in the making of said extension they shall have all the powers, rights, and privileges that they have in the original charter.

§ 3. This act shall take effect from and after its passage.

Approved January 19, 1882.

CHAPTER 61.

AN ACT to amend an act, entitled "An act to incorporate the Keene and South Elkhorn Turnpike Road Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. After the word "change," in section first, insert the words "the same," and after the words "twenty feet," in section six, insert these words, "and not less than sixteen feet in width."

§ 2 After the words "obtaining subscriptions to the capital stock of said company," in section three, add the following, viz: "The court of claims of Jessamine county are authorized to take stock for the county to the amount of seven hundred and fifty dollars per mile as far as said road runs in said county; and to pay for the same it shall be lawful, and the said court is hereby authorized, to levy an ad valorem tax upon all the taxable property in the county."

§ 3. This act shall take effect from and after its passage.

Approved January 19, 1882.

## CHAPTER 62.

AN ACT to provide for the payment of the funeral expenses of the late Hon. C. W. Gilmore.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of George A. Lewis for the sum of one hundred and thirty-two dollars and fifteen cents, the amount of expense incurred by him in burying the remains of the late Hon. C. W. Gilmore.

§ 2. This act shall take effect from its passage.

Approved January 19, 1882.

## CHAPTER 63.

AN ACT to amend an act, entitled "An act for the benefit of Caldwell county," approved February 20, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Issue bonds.

§ 1. That an act, entitled "An act for the benefit of Caldwell county," approved February 20th, 1878; be, and the same is hereby, so amended as to authorize the county court of said county to issue the bonds of said county in any amount not exceeding two hundred and fifty thousand dollars.

§ 2. Said bonds shall be due at expiration of twenty years from and after their date; but may be made redeemable at any time after two years from and after their date, in such manner, and upon such terms and notice, as may be prescribed by the orders of said court, and stated in the face of the bonds.

Interest.

§ 3. The county court may, in and by one and the same levy, provide for the payment of two semi-annual installments of interest; and in that case the sheriff or collector shall collect and pay over the tax so levied within the time prescribed by section seven of the act to which this is an amendment; but in case the court shall provide for only one installment of interest in any levy, then the sheriff or collector shall collect and pay over the whole of same within one hundred and twenty days after the date of his covenant.

§ 4. It shall be the duty of the county court to provide for payment of each semi-annual installment of interest, by mak-



ing levy therefor at least six months before same shall become due.

§ 5. This act shall be in force from its passage.

Approved January 19, 1882.

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CHAPTER 64.

AN ACT to change the place of voting in Rollington precinct, in Oldham county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the place of voting in Rollington precinct, Oldham county, be, and the same is hereby, changed from the house of one Fred. Brenner to the house now occupied and owned by Garret Foley, in the town of Rollington, and county aforesaid.

§ 2. This act shall take effect from its passage.

Approved January 19, 1882.

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CHAPTER 66.

AN ACT for the benefit of W. A. Maxey, clerk of the Morgan county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That after the passage of this act it shall be lawful for W. A. Maxey, clerk of the Morgan county court, to practice law in all the courts of this Commonwealth except Morgan county court.

§ 2. This act shall take effect from its passage.

Approved January 19, 1882.

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CHAPTER 67.

AN ACT to authorize the trustees of the town of Georgetown to sell bonds to build a public school-house.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the chairman and board of trustees of the town of Georgetown, Scott county, be authorized to issue twelve (12) bonds of five hundred dollars each, to be signed by the chairman and attested by the clerk of the board of trustees,

Issue bonds..

Interest.

and to sell all or any part of said bonds as may be needed, at a rate of interest per annum not to exceed six per cent., and payable at such time or times as said chairman and board of trustees may think best, not to exceed twenty years, and payable to the party to whom sold, and to pay the proceeds of said bonds as they may be sold to the order of commissioners or building committee who may be authorized by said chairman and board of trustees to have said work erected.

Tax.

§ 2. The said chairman and board of trustees be authorized to levy an ad valorem tax on all property owned by white persons in the town of Georgetown which is subject to city or town taxation sufficient to pay said bonds at their maturity, and also to pay the interest on said bonds annually, payable and collectable as the revenue tax of said town ; which money, when collected, shall be paid into the hands of treasurer of the town of Georgetown, and shall be applied to the payment of said bonds, and the interest thereon, as they become due.

Treasurer's bond

§ 3. The clerk of said town of Georgetown shall keep a record-book of said bonds, and the date of their issue, and the date of the payment and cancellation of the same, and the date of the payment of all interest on same. Said bonds shall not be signed or dated until the same are sold, at which time a record of said sale shall be made: *And be it further provided*, That the treasurer of said town, before he receives any of the aforesaid money, shall give bond and security, approved by the chairman and board of trustees of Georgetown, for the proper application of the same ; and also the marshal or tax collector of said town shall give bond and security, approved by said chairman and board of trustees, for the faithful collection and payment to treasurer of said town of such taxes as may be levied under this act.

§ 4. This act shall be in force from and after its passage.

Approved January 19, 1882.

## CHAPTER 69.

AN ACT to repeal part of an act to prevent the destruction of fish in the waters of Dix river and Hanging Fork.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of an act approved March 3d, 1880, en-

titled "An act to prevent the destruction of fish in the waters of Dix river and Hanging Fork," be, and the same is hereby, repealed so far as it applies to the counties of Garrard and Lincoln.

§ 2. This act to take effect from and after its passage.

Approved January 19, 1882.

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CHAPTER 70.

AN ACT to amend an act, entitled "An act to revise and amend the charter of the city of Bowling Green," approved January 2d, 1882.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section twenty-one of article six, title "City Court," of an act to revise and amend the charter of the city of Bowling Green, approved January 2d, 1882, be amended so as to read as follows: The judge of the city court shall receive an annual salary, from and after January 1st, 1882, of one thousand dollars, to be paid quarterly out of the city treasury, on a warrant drawn in his favor by the clerk of said city.

§ 2. All acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved January 19, 1882.

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CHAPTER 71.

AN ACT for the benefit of the Flat Rock and Caldwell's Mill Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the court of claims of Bourbon county, at any regular or called term thereof, may, if necessary for public convenience, two-thirds majority of the justices of said county being present and concurring therein, appropriate any sum not exceeding six hundred dollars (\$600), for the purpose of aiding the Flat Rock and Caldwell's Mill Turnpike Road Company, a corporation created by act of this Assembly, in constructing a bridge over Boone's creek, on the line of said road, in Bourbon county; said appropriation to be made on such terms and conditions as may be agreed upon by said court Appropriation.

and said corporation at the time when such appropriation is made. Such contract shall be entered on the records of the said court, and this shall be the sole evidence of the terms and conditions upon which such appropriation is made.

Tax. § 2. Such court, at the time of making such appropriation, or at some other called or regular term, shall provide for paying the same by levying a tax sufficient for that purpose upon the taxable property of said county, to be collected by the sheriff thereof, and paid over to its treasurer, who shall hold the same for the purpose aforesaid, to be paid out as the aforesaid court may direct.

Approved January 19, 1882.

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## CHAPTER 72.

AN ACT for the benefit of W. M. Wallis, of Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act for the benefit of A. M. Wallis, of Trigg county," approved March 31st, 1880, be, and the same is hereby, continued in full force and effect for the period of two years from and after the 31st day of March, 1882.

Approved January 19, 1882.

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## CHAPTER 73.

AN ACT to amend the turnpike law in district No. 2, in Henry county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the turnpike law in district number two, in Henry county, is so amended as to permit the company organized for that purpose to build a turnpike road leading from Franklinton to Glen Mary, on the Kentucky river, with a road-bed twenty feet wide and the metal thereon ten feet wide, and receive for said road the same amount of money and in the same manner as do companies who build turnpike roads in said district in accordance with the turnpike law of Henry county: *Provided*, That said road is otherwise

constructed in accordance with the turnpike law of Henry county.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 19, 1882.

# CHAPTER 74.

AN ACT to empower the county court of Washington county to make subscriptions to capital stock in turnpike roads in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the county court of Washington county, a majority of the justices of said county concurring, to make subscription of stock in turnpike road companies for the construction of such roads within said county: *Provided*, That said subscriptions shall not exceed one thousand dollars per mile in each road to be constructed. Subscription.

§ 2. That no money so subscribed by said county court shall be paid over to any turnpike road company, or to any person whatever, until each mile of the road subscribed for shall have been completed.

§ 3. That said county court shall have the power, a majority of the justices concurring, to levy an ad valorem tax upon all the taxable property in said county, not exceeding forty cents (40) on the one hundred dollars thereof in any one year, to raise a sum sufficient to pay off and discharge the subscription of said stock, and said tax may be imposed yearly until the debt is fully paid. Tax.

§ 4. The said tax shall be collected by the sheriff of said county in the same manner as other taxes are collected, and he shall receive as compensation therefor five per cent. on all the money so collected. The money when so collected to be paid over to the county treasurer of the county. Collection.

§ 5. This act shall take effect from its passage.

Approved January 19, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 75.

AN ACT to amend an act, entitled "An act incorporating the Claysville, Kentontown and Mt. Olivet Turnpike Road Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Commissioners. § 1. That B. B. McGuiro, Wm. H. Vanhook, A. L. Anderson, C. W. Robins, John W. Langley, James G. Duncan, E. M. Taylor, Wm. Throckmorton, James Jones, Stark Wheeler, Thomas Claypoole, James French, M. M. Neal, and F. M. Louderback, be, and the same are hereby, appointed commissioners, in addition to those heretofore appointed, whose duty it shall be to open books for subscriptions of stock at such places as said commissioners may designate. Said commissioners shall be governed by the original act of incorporation, approved February 13th, 1869.

§ 2. This act to be in force and take effect from its passage.

Approved January 19, 1882.

## CHAPTER 76.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors within one mile of Mount Salem Church, in Lincoln county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person to sell, in any quantities, any spirituous, vinous, or malt liquors, or any mixtures of either, within one mile of Mount Salem Church, in Lincoln county.

§ 2. Any person violating the provisions of this act, upon conviction, shall be fined in a sum not less than ten nor more than fifty dollars. Said fine shall be recovered in any court having competent jurisdiction.

§ 3. This act shall take effect from and after the 10th day of May, 1882.

Approved January 24, 1882.

## CHAPTER 77.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in the town of Tompkinsville, or within three miles of same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person or persons to sell spirituous, vinous, or malt liquors in the town of Tompkinsville, or within three miles of same; and any person or persons who shall sell spirituous, vinous, or malt liquors in the town of Tompkinsville, or the above named boundary, shall be deemed guilty of keeping a tippling-house, and shall be fined in any court of competent jurisdiction as provided by law.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act to take effect and be in force from and after the first day of May, 1882.

Approved January 24, 1882.

## CHAPTER 78.

AN ACT to prohibit the sale and loaning of vinous, spirituous, or intoxicating drinks at or within three miles of the churches and schools in Keysburgh, Logan county, and also at Bear Wallow Church, or in one mile thereof, in Hart county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter it shall be unlawful for any one to sell or loan any vinous, spirituous, or intoxicating drinks at or within three miles of the churches and schools in what is known as the town of Keysburgh, in Logan county, and also at Bear Wallow Church, or in one mile thereof, in Hart county.

§ 2. That any person violating any of the provisions of this act shall be fined for each offense not less than ten nor more than twenty-five dollars, or imprisoned in the county jail for not less than ten nor more than twenty days, at the discretion of a jury.

§ 3. That this act shall not be construed to apply to regular practicing physicians, who keep and administer it as such for real sickness, nor to persons now having license to sell

liquor at said town until the expiration of the time for which such license shall expire.

§ 4. That the justices of the peace of said district shall have jurisdiction to try offenses committed against the provisions of this act, and to render such orders and judgments as may be necessary to carry out the verdicts that may be rendered by juries sitting in the trial of such offenses.

§ 5. This act shall take effect from the date of its passage.

Approved January 24, 1882.

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## CHAPTER 79.

AN ACT to amend an act to re-enact an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors within two miles of James Withers' mill, in Metcalfe county, or in the town of Antioch, in said county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for the county court of Metcalfe county to grant license to any person or persons to sell spirituous, vinous, or malt liquors within two miles of James Withers' mill, in said county, or in the town of Antioch; and any person or persons who shall sell spirituous, vinous, or malt liquors within the district named in this act shall be deemed guilty of keeping a tippling-house, and shall be fined in any court of competent jurisdiction as provided by law.

§ 2. This act shall take effect from and after its passage, and shall be in force ten years from its passage.

Approved January 24, 1882.

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## CHAPTER 80.

AN ACT to incorporate the Farmers' Bank of Carlisle, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby established a bank of deposit in the city of Carlisle, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of the



Farmers' Bank of Carlisle, Kentucky, and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever. It may have a common seal, and change and renew the same at pleasure.

§ 2. That said bank shall be under the control and direction of five directors, each of whom shall be a stockholder, and all of whom shall be residents of the State of Kentucky. After the first election they shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and shall take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder to said corporation: *Provided*, The certificate of stock of such stockholder shall be deposited with the bank.

§ 3. That Wilson T. Buckler, Samuel G. Rogers, and Thos. H. Pickrell are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock, and when three hundred shares of stock shall have been subscribed for, it shall be their duty to give notice in newspaper published in Carlisle, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: There shall be paid ten

per cent. on the amount of each subscription within ten days after the election of the first board of directors, and the residue in installments of ten per cent. on each share every thirty days: *Provided*, That after ten thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the residue; and should any of the subscribers fail to pay for their subscriptions of stock, as herein provided, after giving notice of their intention in some newspaper in Carlisle for thirty days, the directors may, by resolution entered on their records, forfeit such stock, and resell the same at such times as they may deem expedient; and all partial payments made on any stock which shall be then forfeited shall be held for the benefit of the corporation; said corporation may commence business so soon as ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice, or notary.

§ 4. That said bank may receive deposits of gold, silver, bank-notes, or other notes which may be lawfully circulating as money, and repay the same in such manner and at such times as may be agreed upon with the depositors by special or general contract; and may deal in the loaning of money, in exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the former as may be agreed upon, in all respects as natural persons may do under the common law.

§ 5. That the said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of, or to aid in the satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws as they deem necessary, provided the same be not contrary to the Constitution or laws of this State or of the United States.

§ 6. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 7. That the General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 8. That this act shall take effect from its passage, and continue in force twenty-five years.

Approved January 24, 1882.

## CHAPTER 81.

AN ACT to empower the Lincoln county court to dedicate a portion of the court-house square in Stanford for street purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Lincoln county, a majority of the justices of the peace in commission in said county concurring therein, be, and is hereby, empowered to dedicate to the town of Stanford a portion of the court-house square belonging to said county, in said town of Stanford, which portion shall be taken from along the whole of the east side of said square, and shall of even width, not to exceed twenty (20) feet: *Provided*, That said area of land, when so dedicated, shall forever be used by said town as a street and for no other purpose; and no encroachment upon said street as it now exists shall be permitted, and such dedication shall be upon the further condition that said town shall, within a reasonable time, which may be fixed by said court, cause said land to be graded and macadamized as a street, with a good pavement of brick along the west side thereof, to be not less than eight feet wide, unless otherwise permitted by said court, with suitable stone curbing along the same, and to remove and reset, in a suitable manner, the fence now inclosing said square on that side; and that in the event said street shall be closed or discontinued, said land shall revert to the county of Lincoln.

§ 2. This act shall take effect and be in force from its passage.

Approved January 24, 1882.

## CHAPTER 82.

AN ACT to incorporate the Delaney's Ferry Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. B. Sandusky, H. C. Sandusky, S. K. Cozine, John D. Wooley, J. H. Blackford, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Delaney's Ferry Turnpike Road Company, and by said name and style shall have power to contract and be contracted with, sue and

be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth, and to have and use a common seal, and to break, alter, or change the same at pleasure.

§ 2. That said company is hereby authorized and empowered to construct a turnpike or macadamized road from the Keene and South Elkhorn Turnpike, in Jessamine county, to the Woodford line; thence in Woodford county to the Versailles and Nicholasville Turnpike, running in the old Delaney's Ferry road-bed as far as practicable; and in order to secure the funds necessary to construct the same, shall have power to raise a sum, by issue and sale of the capital stock, not exceeding twelve thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That the books for the subscription of stock shall be opened in the town of Keene, and at such other places as may be deemed best, under the direction of the persons hereinbefore named, all of whom are hereby named commissioners for the purpose of obtaining subscriptions to the capital stock of said company, and they shall provide a book or books, which shall contain the following obligation, which shall be signed by every person who shall take stock in said corporation, viz: "We, whose names are hereto subscribed, do severally bind ourselves to pay, respectively, to the president and directors of the Delaney's Ferry Turnpike Road Company, the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the president and directors of said company;" and when the president and directors shall be chosen, as hereinafter provided, they shall have full control of said books, and may cause the same to be opened from time to time until the entire amount of stock herein authorized is subscribed.

§ 4. That as soon as a majority of said commissioners shall be of opinion that a sufficient amount of stock is subscribed to justify the commencement of said road, they shall call a meeting of the stockholders, and hold an election for president and four directors, who shall hold their offices for one year, and until their successors are chosen: *Provided*, That should a vacancy occur, the remaining directors shall fill the same by appointment. The directors shall have the power to appoint a secretary and treasurer, and such other officers as

may be deemed necessary. The treasurer shall execute a bond, with security to said company, for the faithful performance of the duties of his office.

§ 5. That the said corporation shall have the power to acquire, hold, or sell real or personal estate, as the same may be deemed necessary in the said construction of said road, and to do all other acts and things necessary in the exercise of the power herein expressly conferred.

§ 6. That the entire width shall be thirty-five feet, and not exceed forty, and the macadamized part thereof shall not exceed twenty feet, and the grade shall not exceed four degrees; and whenever the road shall be completed from the Keene and South Elkhorn Turnpike to the Nicholasville and Versailles Turnpike (which is about four miles), the directors shall call upon the two justices of the peace residing nearest thereto, and not interested therein, to examine the same, and if they shall, by written statement, to be filed with the county court of the county in which said road lies, or the greater part thereof, certify that the same is done in a good and substantial manner, then the said company may erect a toll-gate or gates on said road, and may charge and collect toll from persons traveling or using the same as provided by law.

§ 7. That the provisions of the General Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be part thereof.

§ 8. That the county courts of Jessamine and Woodford shall have the privilege of taking twelve hundred dollars or less to the mile of stock in said road.

§ 9. That the private property of share-holders shall be exempt from corporate debts.

§ 10. This act shall take effect from and after its passage.

Approved January 24, 1882.

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#### CHAPTER 85.

AN ACT to amend an act, entitled "An act to charter the American Short-Horn Record Association," approved January 15, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to charter the American Short-Horn Record Association," approved January 15, 1880,

be amended as follows: That section six of said act be, and the same is hereby, repealed, and the following sections are hereby added to and made a part of said charter, viz:

Editor.

Bond.

Duties.

Vacancy.

§ 6. An editor shall be elected by the stockholders of said association, who shall hold his office for such time as may be fixed by the by-laws of the association. Each share of paid up stock shall entitle the holder to vote, either in person or by proxy, at the election of editor. Before entering upon the duties of his office he shall execute bond to the association in such sum as may be deemed necessary by the board of directors for a faithful performance of the duties of his office, and he shall be liable for all property, moneys, or other things coming into his hands on said bond. Said bond shall be accepted by the board of directors and indorsed "approved" by the president. For any breach of said bond he and his securities shall be liable in any court of competent jurisdiction in this Commonwealth. The said editor shall edit the Herd-Book of said association under such rules and regulations as may, from to time, be prescribed by the stockholders. For any failure to perform the duties required of him under this charter, or any by-law of the association, he shall be liable to any order the directory may deem proper to enact. All privileges for entry in said Herd-Book shall be first submitted to a committee of not less than three nor more than seven, appointed by the directors from their own number. Owners of cattle whose entry of pedigrees has been rejected by said committee may have the right to be heard before the board of directors. The action of said board, when appealed to them, shall be final and conclusive, and pedigrees rejected by them shall not be entered in the Record. Should a vacancy occur in the office of editor, either by death, resignation, or otherwise, it shall be filled by the directory until the next regular meeting of the stockholders thereafter. The editor shall receive such compensation as may be agreed upon between himself and the stockholders, and such agreement shall be in writing and entered upon the books of the association.

Increase directors.

§ 7. Said association shall have power to increase the number of directors to such number, not exceeding twenty-five, as may be deemed necessary. Five members of said directory shall constitute a quorum for the transaction of business.

§ 8. No person shall be entitled to vote, or participate in any of the meetings of said association, who has not paid for his stock in full. Voters.

§ 9. That sections seven and eight of the act to which this is an amendment shall be known as sections eleven and twelve.

§ 10. All parts of said act to which this act is an amendment in conflict herewith are hereby repealed.

§ 11. This act shall take effect from and after its passage.

Approved January 26, 1882.

## CHAPTER 88.

AN ACT to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved March 3d, 1870.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of police commissioners of the city of Louisville is hereby authorized and directed to select and appoint a police force for said city, whose term of office shall expire four years from the date of their commission, or when their successors are qualified.

§ 2. The officers of said police force shall be selected and appointed in manner, and for such terms, as is now provided by law except as herein provided.

§ 3. No person shall be eligible as a policeman or police officer of said city who is not at the time of his appointment a citizen of the United States and of the State of Kentucky, and a resident of said city for three years next preceeding his election or appointment, or who is less than twenty-four years of age, or who is not moral, sober, and sagacious, or who cannot read and write the English language intelligibly, or who has been convicted of a felony, or who shall, after his election or appointment, and while a member of said police force, interfere in any election further than to vote.

§ 4. The election or appointment of any person as a policeman or police officer of said city, not possessing each and every qualification hereinbefore prescribed, shall be void, and the failure at any time after the election or appointment of such policeman or police officer to possess each and every qualification hereinbefore prescribed, or if he interfere in elections within the meaning of this act, shall thereby render

the office of said policeman or police officer vacant, and if he afterwards continue to exercise the duties of said office, he shall be indicted and tried in the Jefferson circuit court, and upon conviction, fined in a sum of not less than twenty nor more than one hundred dollars, and be ineligible as a member of said police force for five years thereafter: *Provided*, That nothing in this act shall prohibit the mayor from dismissing any of the police force for causes or any cause mentioned in section five of an act amending said charter, approved March 21st, 1871: *And provided further*, That upon dismissal for cause or causes therein by the mayor, the party so dismissed shall be ineligible as a member of said force for one year thereafter.

§ 5. Any policeman or police officer aiding or assisting any candidate for office by advice or counsel or otherwise, or counselling or advising against such candidate, or advocating or discussing the merits or demerits of such candidate, or soliciting any person to vote for or against such candidate, shall be guilty of interfering in elections within the meaning of this act.

§ 6. The petition of each applicant to become a member of said police force shall be accompanied by the following oath wholly written, subscribed, and sworn to by such applicant, to-wit: "I do solemnly swear that I am a citizen of the United States and of the State of Kentucky; that I have resided for three years next preceding my application to become a member of the police force in the city of Louisville; that I am not under twenty-four years of age; that I can read and write the English language intelligibly; that I have never been convicted of a felony. I further swear that I will not, at any time while a member of the police force, interfere in any election, further than to vote; I further swear that I will, at all times, do and perform my duty as a member of the police force of said city so long as I remain a member thereof to the best of my ability. I further swear that my habits are moral and sober, and that this obligation has been wholly written by me without aid or assistance, so help me God." Said application and oath shall be read in open session of the general council in each board thereof, and then referred to the board of police commissioners.



§ 7. The name of the applicant shall be the only publication in the published proceedings of the general council under this act.

§ 8. This act shall not interfere with the term of office of the present police force, but shall apply to all appointments hereafter made.

§ 9. This act shall take effect from its passage.

Approved January 26, 1882.

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CHAPTER 89.

AN ACT to extend the police jurisdiction of the city of Louisville over the grounds of the Louisville Jockey Club and one fourth of a mile adjacent thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the police jurisdiction of the city of Louisville be, and the same is hereby, extended to embrace the grounds now occupied by the Louisville Jockey Club and one quarter of a mile adjacent to said grounds : *Provided*, That the Jockey Club shall pay the city of Louisville for the services of said police on their grounds.

Approved January 26, 1882.

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CHAPTER 90.

AN ACT for the benefit of the North Middletown Deposit Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the North Middletown Deposit Bank, a corporation created under act of this Assembly, approved March 15, 1869, be, and the same is hereby, authorized and empowered to loan, by mortgage on real or personal property, any sum or sums not exceeding in the aggregate forty thousand dollars (\$40,000).

§ 2. The said bank may make such contracts for the payment of interest on said loans as a majority of the directors of said bank may think for its best interest, not exceeding the rate of six per cent. per annum.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1882.

## CHAPTER 91.

AN ACT for the benefit of T. W. Pickering, late sheriff of Caldwell county.

WHEREAS, Thomas W. Pickering, late sheriff of Caldwell county, has fully paid off all the claims against him as collector of the county levy, State revenue, and railroad taxes, to those authorized by law to receive the same, and obtained a full discharge against all claims against him by virtue of his said office of late sheriff of Caldwell county; and it is represented that numerous persons are indebted to the said Thomas W. Pickering for arrearages of the county levy, revenue, and railroad taxes which fell due during the years 1875, 1876, 1877, and 1878, and for which he was responsible; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Powers.

§ 1. That Thomas W. Pickering shall have the further time of two years, from the first day of June, 1882, to collect, levy, and distrain for any taxes due to him, and for which he has accounted and paid; and he shall have all the powers and rights to enforce payment of said taxes that are conferred upon sheriffs by the laws of this Commonwealth.

§ 2. This act shall be in force from and after the first day of June, 1882.

Approved January 26, 1882.

## CHAPTER 92.

AN ACT to incorporate the Farmers' Mutual Aid Association, of Mason county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Corporators.

Style.

§ 1. That Walter S. Calvert, S. D. Gardner, Peter Parker, Garland R. Bullock, and Alexander K. Marshall, and all other persons who now or may hereafter hold policies in this corporation, be and they are incorporated and made a body-politic, by the name of the Farmers' Mutual Aid Association, of Mason county, Kentucky; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; have and use a common seal; and have all the rights, privileges,

and immunities of an incorporated body under the laws of this Commonwealth.

§ 2. The purpose of this corporation shall be to insure its policy-holders, all of whom shall become stockholders by accepting a policy from this corporation, against loss by fire, wind, or lightning to their respective dwellings, houses, barns, and other buildings owned by them in Mason county, Kentucky; and to provide for the payment of losses thereby by an assessment upon the insured property of the stockholders, under such rules and regulations as said stockholders may adopt, not contrary to this charter or the laws and Constitution of the Commonwealth of Kentucky. Purposes.

§ 3. The officers of this corporation shall be a president and secretary, and such other officers and agents as the stockholders shall appoint, and with such powers as the stockholders may designate. Officers.

§ 4. This act shall take effect from and after its passage.

Approved January 26, 1882.

## CHAPTER 93.

AN ACT to authorize the county court of Franklin county to condemn for public use certain property in the city of Frankfort.

WHEREAS, The passage of St. Clair street, in the city of Frankfort, at the approach of said street to the north side of the Kentucky river, is greatly obstructed by the corner of a small wooden building of little value, and which, because of its locality and the inflammable material of which it is composed, greatly endangers the wooden bridge across said river, and other adjacent property; and whereas, the board of councilmen of the city of Frankfort, and the county authorities of Franklin county, desire to widen said street at its approach to the north side of the river; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Franklin county is hereby authorized to condemn for public use so much of said building, and of the lot upon which the same is erected, and so much of any building and lot immediately adjacent thereto, as may, in the judgment of said court, be necessary to remedy the above-mentioned evil.

§ 2. That if said property be condemned pursuant to the preceding section, the condemnation shall be in the same manner, and upon the same conditions, that property is condemned by the county court for the construction or alteration of public roads.

§ 3. This act to take effect and be in force from and after its passage.

Approved January 26, 1883.

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#### CHAPTER 94.

AN ACT to incorporate the Billy Varble Floating Dock Company, of Louisville, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That William Varble, George Fuget, George C. LeCompte, and W. T. Shumate, be, and he is hereby, appointed a body-corporate and politic, and are hereby created and authorized to be formed, and authorized under the name and style of the Billy Varble Floating Dock Company, of Louisville, Kentucky; and under this name and style it shall have perpetual succession, may have a common seal, may contract and be contracted with, sue and be sued, in all the courts of the Commonwealth.

§ 2. The object and business of this company is, and shall be, to give aid and assistance to all boats ascending the falls of the Ohio river at Louisville, Kentucky, who may apply to them for assistance, and by the use of floating docks, windlasses, ropes, and chains, steam engine, buoys, and any and all means in their power, pull and assist in drawing through and over the rapid current of the falls at Louisville, Kentucky.

§ 3. The total capital stock of said company may be any amount not exceeding twenty-five thousand dollars that may be necessary for the construction and equipment of said affair, and controlled by the incorporation.

§ 4. As soon as said company is organized it shall have power to charge a reasonable sum for any and all assistance rendered from their dock.

§ 5. The incorporators of this company shall be Capt. Wm. Varble, George Fuget, J. C. LeCompte, and W. T. Shumate,

who may draft laws and by-laws for the government of said company as may seem best in their judgment for its successful operation.

§ 6. Boats calling for assistance from this dock or docks shall be promptly assisted.

§ 7. The docks of this company shall in no way stop or interfere with navigation.

§ 8. The incorporators shall only be responsible for the amount of stock subscribed.

§ 9. This act to take effect from and after its passage.

Approved January 27, 1882.

## CHAPTER 95.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Georgetown," approved March 6th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That immediately upon the return of the assessor's list as provided for in article 1, section 18, of said act, the chairman and board of trustees of Georgetown, by itself or by a committee of its appointing from the board of trustees, shall supervise said list, and increase or decrease the assessor's valuation of property as may seem proper, after due notice to the party whose list is to be revised.

§ 2. Should the assessor fail, for any cause, to report any list or any property liable for taxation, it shall be the duty of the treasurer and tax collector to report the fact to the clerk, who shall enter the assessment upon the assessor's book, and give notice to the owner thereof.

§ 3. It shall be the duty of the assessor to be present during the supervision of the list, as provided for in the first section of this act, and when called upon give such information as he may have touching any list returned by him.

§ 4. Any person whose property has been improperly or unfairly assessed may, before paying his taxes, appear before the chairman and board of trustees of Georgetown and make proof thereof, and if the said chairman and board believe the assessments improper or unfair, shall correct the same.

§ 5. That said act be amended by striking out the words "per annum" from the 20th line of the 19th section, article 1st, of said act.

Approved January 27, 1882.

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#### CHAPTER 96.

AN ACT to repeal chapter 390, entitled "An act appointing commissioners to re-district Carter county into magisterial districts," approved 6th March, 1880, and to restore the magisterial districts in said county as they stood before said act took effect.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act appointing commissioners to re-district Carter county into magisterial districts," approved 6th day of March, 1880, be, and the same is hereby, repealed, and that the magisterial districts in said county be restored and stand as they were when said act took effect.

§ 2. This act shall take effect from and after its passage.

Approved January 27, 1882.

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#### CHAPTER 98.

AN ACT for the benefit of W. J. Watson, sheriff of Owen county.

WHEREAS, During the pendency in the Owen circuit court of the case of the Commonwealth of Kentucky against Thos. Buford, indicted for murder, the sheriff of Owen county, W. J. Watson, performed an extraordinary amount of labor, having summoned (650) six hundred and fifty jurors, by order of the court, and attended, at a special term in the winter of 1881, a trial protracted to an unusual length, waiting upon the jury and executing all the orders of the court made in the progress of said case, for which services he has never been paid, and which are not within the ordinary duties of the sheriff; and whereas, it is but just and proper that he should be paid for said services, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of the State be, and he hereby is, directed to draw his warrant upon the Treasurer of the State of Kentucky in favor of W. J. Watson for the sum of one

hundred and fifty dollars, to be paid out of any money in his hands not otherwise appropriated.

§ 2. That this act shall take effect and be in force from the date of its passage.

Approved January 27, 1882.

## CHAPTER 99.

AN ACT to incorporate the Association of Good Samaritans, in Paducah, McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. H. Newman, president; E. B. Jones, vice president; T. P. Newman, treasurer, J. P. Newman, secretary, and J. W. Baker, assistant secretary, be, and they are hereby, created a body corporate under the name and style of the "Association of Good Samaritans," with perpetual succession to them and their successors in office; and by that name shall have power to contract and be contracted with, sue and be sued, to have and use a common seal, and shall have power to make such by-laws as the officers of the association may see fit to adopt, not inconsistent with the Constitution and laws of the Commonwealth.

§ 2. Any white person may become a member of the association by paying ten dollars to the treasurer of the association.

§ 3. Every member of the association shall, at his or her death, be entitled to receive and have paid to his or her legal representatives, or to such person or persons as he or she may, by writing, direct on the back of his or her certificate of membership, the sum specified in his or her certificate of membership, said sum to be raised by assessment of not exceeding one dollar on each member of this association, which is to be collected and paid to the party or parties entitled to receive the same by the officers of the association; and each and every member shall be entitled to have paid to him, or such person or persons as he may direct, such sum as he may be entitled to, as shown by his certificate, upon the payment by him of assessments required of him at the time he becomes a member, said sum or amount to be raised by assessment of not exceeding one dollar on each member of the

association, to be collected by the officers of the association and paid to the party or parties entitled thereto.

Forfeiture.

§ 4. Any member of the association who shall fail or refuse, for thirty (30) days after notice of any assessment due by them, to pay the same to the treasurer of the association, shall forfeit for each and every failure ten per cent. of the amount they are or would be entitled to as a member of the association.

§ 5. Any officer of the association shall forfeit his office on his failure to honorably and faithfully perform his duties in said office, or to pay over and account for any and all money which may come to his hands to the party or parties entitled thereto when the same is demanded.

§ 6. That the fiscal, financial, and prudential management of the association shall be under the control, management, and direction of the officers herein named and their successors.

Vacancies.

§ 7. All vacancies which may occur in the several offices, except that of president, shall be filled by appointment by the president from some member of the association.

§ 8. In the event the office of president becomes vacant, then the other officers of the association shall select some member of the association to become president.

Statement.

§ 9. That the officers of the association shall, every six months, make out, print, and send to the members of the association a statement of the condition of the association.

Exemption.

§ 10. Neither the officers of the association or any member shall be individually liable for any contract or agreement of the association.

§ 11. The association may acquire and hold real estate to the value of not exceeding ten thousand dollars.

§ 12. This act shall take effect from its passage.

Approved January 27, 1882.

## CHAPTER 100.

AN ACT for the benefit of Charles G. Cady, of Maysville, Mason county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the



Treasury in favor of Chas. G. Cady for the sum of one hundred and ninety-eight dollars and fifty cents, payable out of any money in the Treasury not otherwise appropriated, be compensation for sums of money paid by him for transportation and sustenance of State troops.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 27, 1882.

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## CHAPTER 102.

AN ACT to incorporate the Louisville and Southeastern Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. J. Harbison, S. J. Look, Geo. Deering, Dexter Hewitt, and Samuel Russell, their associates, successors, and assigns, who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name and style of the Louisville and Southeastern Railway Company; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in all courts and elsewhere, as a natural person; and said corporation may have and use a common seal, and set aside and renew or alter the same at pleasure; and by said corporate name may contract and be contracted with; and by that name shall be, and are hereby, invested with all the powers, privileges, and immunities of natural persons in acquiring and disposing of all real and personal estate which it may be needful to acquire or dispose of in order to facilitate the objects and purposes of this act and of this corporation.

§ 2. The capital stock of said company may be any amount not exceeding twenty-five thousand dollars per mile for each mile of said road which said company shall build or own in this State, to be divided into shares of one hundred dollars each; and individuals, railroad companies, and other corporations, either in or out of this State, are authorized to subscribe for and hold stock in said company, but this shall not include municipal corporations.

§ 3. The corporators named in the first section, or such of them as may act, may open books for subscription to the

capital stock of said company at such times and in such places as they think proper, and give such notice of the times and places of opening the same as they think proper; and when twenty-five thousand dollars shall have been subscribed they may call a meeting of the subscribers, notifying each subscriber of the time and place of meeting, and proceed to organize said company by electing from the subscribers a board of directors of not less than five nor more than nine in number, who shall elect one of their number president. The president and directors shall have power to adopt such by-laws for the government of the company, its officers, agents, and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper.

§ 4. That the board of directors shall provide in the by-laws for an annual election of the board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding election of directors. The directors shall severally hold their officer for one year, and until their successors are elected and qualified; the board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business. At the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provision shall be made in the by-laws for annual meetings of the stockholders, and such called meetings as are necessary.

§ 5. The president and directors shall have the management and control of the property, business, and affairs of the company, and may appoint all such officers and agents and employes as are necessary, prescribe their duties and compensation, and take from any of them bond with security for the faithful performance of his duties.

§ 6. The general office of said company shall be located in the city of Louisville, Kentucky.

§ 7. It shall be lawful for the president and directors of said company to open stock-books for subscription to the capital stock at such times and places, and continue them open

for such length of time, as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred, and registered in such manner and at such places as may be ordered and provided by the board of directors of said company.

§ 8. The said Louisville and Southeastern Railway Company shall be, and is hereby, authorized and empowered to locate, construct, build, and complete a railroad, with such number of tracks and lines of telegraph as said corporation may desire, and for that purpose shall be entitled to acquire title to a continuous line of not exceeding one hundred feet in width of land, with such additional ground as may be necessary for the use of said railroad, from a point on the Ohio river, at or near the city of Louisville, Kentucky, thence by such route as said company may select to any point on the Cincinnati Southern Railroad between the town of Nicholasville, in Jessamine county, and the town of Danville, in Boyle county, Kentucky, and to construct, build, and furnish said railroad with all necessary side-tracks, turnouts, switches, depots, stations, and all necessary buildings, erections, and structures for the convenient working of said railroad and carrying on its business, and with all the rolling-stock of every sort and kind, and all other machinery, implements, and property the company deem necessary and proper for the proper prosecution of its business; and said company shall have power to operate and maintain the same, and for said purposes said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing, acquiring title to, holding, selling, and conveying and transferring all real, personal, and mixed property which may be necessary to the carrying out of the objects of this act.

§ 9. Said corporation is hereby authorized, by its agents, surveyors, and engineers, to cause such examinations and surveys to be made of the different routes as are necessary to determine which is most suitable for the construction of said railroad; and the president and directors, or a majority of them, or their authorized agents, may agree with the owners of any land, earth, stone, timber, or other materials or improvements which may be wanted for the construction, operation, and maintenance of said railroad, or any of its works necessary for the use of said railroad, for the purchase in

fee-simple, or the use and occupation of the same; and if they cannot agree, or if the owner or owners of them be a *feme covert*, under age, *non compos*, or out of the county in which the property may lie, application may be made by the company or its agents to the county court of said county, whose duty it shall be to appoint three commissioners, all of whom shall be residents of the county in which the property may lie, who shall be sworn to discharge their duties under this act justly and impartially to the best of their skill and judgment. It shall be the duty of said commissioners to view the land or materials required, and fix the amount of compensation to which the owner or owners may be entitled, and make out and return to the office of the county clerk of said county a report in writing, particularly describing the land and material valued, and the amount of damages, if any, assessed. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed, and if the owner resides in the State, he shall forthwith issue a summons commanding the owner or owners of such land or material to appear and to show cause why the report shall not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing at any term not less than ten days after service of the summons, if served in the county, and twenty days if served elsewhere in the State, it being understood that the county judge may act in all cases where the county court is mentioned in this chapter. If the owner is not a resident of the State, the court shall, at the first term after the report is filed, make warning order, and appoint an attorney to defend for such owner, who may file exceptions sixty days thereafter; and upon exceptions being filed by the owner, or his or her attorney, or by the company, the court shall forthwith order a jury to be empaneled to try the question of compensation and damages, unless for good cause shown time is given for preparation. If no exceptions be filed, the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land and materials, after fixing a just compensation for the value of the land and material taken, take into consideration the advantages accruing, or which may accrue, to said owner from the construction of the proposed

railroad to his other lands, and offset the same against the consequential damages. Said corporation shall not be delayed in progressing with its work by the proceedings required in this section, but may enter upon and use the land and real estate needed, and take and use the earth, gravel, stone, timber, and other materials necessary for its use at any time after it has been viewed by the commissioners, and after payment or tender made of the value so estimated, first notifying the owner or owners of the same, and causing a correct account to be kept of the materials used to dates of inquest of damages.

§ 10. The said company shall have power to purchase and hold any other road in this State or elsewhere; and may subscribe stock to any railroad bridge or depot company, in or out of this State; and may agree on terms for consolidating said company with any other railroad company, in or out of this State, upon such conditions as may be agreed upon; and may lease and operate any railroad connecting with said railroad or branches, and upon such terms as may be agreed upon between the companies so uniting, connecting, or consolidating; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection, by lease or otherwise. Said company may also sell the said railroad, or lease the same; and may extend said road to any point in Southeastern Kentucky; and may build branches from said road and branches from said branches. The Legislature hereby reserves the right to regulate the terms of consolidation with other roads, by purchase, lease, contract, or agreement, or the sale, lease, or contract or use of the road hereby chartered to any other road, by amendment to this charter or by general laws enacted by the Legislature in regard to the consolidations of railroads.

§ 11. The Louisville and Southeastern Railway Company, in order to raise means for the construction, equipment, and operation of their railroad, may issue and sell the bonds of said company of the denomination of one thousand dollars each, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding twenty-five thousand dollars per mile for each mile of railroad which said company may build, contract to build, or own in this State, bearing not exceeding six

per cent. per annum, interest payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, not exceeding thirty years from their date of issue.

§ 12. To secure the payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust conveying said railroad, its property and franchises, to a trustee or trustees, and from time to time fill vacancies that may occur in the office of trustee for the use and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

§ 13. The directors of said company may make contracts, which shall be signed by the president and attested by the secretary, with any corporation, company, individual or individuals, for constructing and equipping said railroad and branches or any part thereof, and pay for the same wholly or partially in the stock, bonds, or other property of said company in such manner and upon such conditions as may be deemed for the best interests of said company.

§ 14. That it shall be lawful for the incorporate authorities of any incorporated city or town through which said railroad shall be located, to donate or lease to said railway company as a right of way, the right to lay a single or double track through said city or town, or any portion of the same, on any street or highway that the said railroad company shall select for that purpose: *Provided*, It shall not unnecessarily interfere with the business or commerce of said city or town: *Provided further*, That said company shall be liable for all special damages that may be done to individual property.

§ 15. That the general council of the city of Louisville are authorized to provide for the right of way through or into said city, and to provide suitable grounds and buildings for depot purposes, and also to provide suitable terminal facilities for depots, machine shops, and other buildings for said company to be located in said city, or aid in procuring the same. Any money appropriated by said city for the above purposes shall be expended in said city.

§ 16. The board of directors of said company shall have power to establish such rates of toll for the conveyance of persons and property on their said railroad and branches, not exceeding the rates charged by other railroads in this State,

or which may be established by general law regulating charges for freight and passage on railroads in this Commonwealth.

§ 17. The said company shall survey and locate the route of said line of railway from Louisville to some point on the Cincinnati Southern Railroad, and begin actively to construct the same within three years, and complete the same within five years from the passage of this act.

§ 18. The right to amend or repeal this charter, or any charter or amendments to any charter, the franchises of which the railroad hereby incorporated may acquire, is hereby reserved to the General Assembly, whether the said charter was enacted before or after the 14th day of February, 1856; and the right to regulate the rates of freight and passage is also hereby reserved to the General Assembly.

§ 19. This act shall take effect and be in force from and after its passage.

Approved January 28, 1882.

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### CHAPTER 103.

AN ACT to amend the several acts incorporating the Deposit Bank of Glasgow.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the president and directors of the Deposit Bank of Glasgow, at any regular or called meeting of the board of directors, when a majority thereof are present, upon the written request of the stockholders owning a majority of the stock, are authorized and empowered, by an order on their books, to reduce the capital stock in said bank by reducing the amount of each stockholder's stock in proportion to the amount of his stock, so as to reduce the capital stock in said bank to one hundred thousand dollars.

§ 2. When the board of directors shall meet and make an order reducing each stockholder's stock, the stockholder shall produce his certificate of stock, and the same shall be canceled, and a new certificate shall issue for the amount of his or her stock as reduced, and said bank shall pay to said stockholder the amount his or her stock was so reduced.

§ 3. *Be it further enacted,* That if any person or corporation shall own stock in said bank, and shall desire to surrender

the whole or any part thereof, it shall be lawful for the president and directors of said bank, at any regular or called meeting of said board, by an order thereof upon the books, to direct their cashier, officers, or agents to pay to such stockholder such sum as he may desire to reduce his stock, or the whole amount, if the stockholder so desires it, and to cancel the stock, in whole or in part, as such stockholder shall agree upon; but nothing in this section shall be so construed as to impair the powers of said board as provided in section one of this act.

§ 4. *Be it further enacted*, That after the board of directors shall meet and make an order reducing the capital stock in said bank, as provided in section one of this act, they shall notify each stockholder of such order, and notify him or her of the action of the board, and the readiness of said bank to pay to such owners of stock the amount the same was reduced; and if he, she, or they shall fail or refuse, after such notice, to produce their certificate of stock, and receive their pay for such stock reduced, and accept a new certificate as provided in this act, from the date of such notice, such stockholder shall only be authorized to receive dividends on the amount of stock as reduced.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 31, 1882.

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## CHAPTER 104.

AN ACT authorizing the commissioners of the sinking fund of the city of Louisville to secure the payment of eight hundred and fifty city of Louisville coupon bonds by accepting a pledge from the Louisville and Nashville Railroad Company a sufficient number of United States bonds to meet the same, principal and interest, at maturity.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the commissioners of the sinking fund of the city of Louisville and the Louisville and Nashville Railroad Company are hereby authorized to enter into an agreement by which the remaining eight hundred and fifty city of Louisville coupon bonds, issued to the Louisville and Nashville Railroad Company under a city ordinance, No. 265, approved 13th day of November, 1855, interest and principal,



will be secured and paid by a deposit of a sufficient number of United States bonds with the said sinking fund to fully meet the interest and discharge the principal of said bonds, at or before their maturity; and upon such deposit being made, or upon the payment of said eight hundred and fifty coupon bonds, interest and principal, aforesaid, the stock issued by said Louisville and Nashville Railroad Company on account of the issue of said eight hundred and fifty bonds aforesaid shall be surrendered to the Louisville and Nashville Railroad Company.

§ 2. This act shall take effect from its passage.

Approved February 1, 1882.

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#### CHAPTER 105.

AN ACT authorizing the commissioners of the sinking fund of the city of Louisville to sell certain stock in the Louisville and Nashville Railroad Company issued to the city of Louisville by said railroad company, and to repeal all other laws on the subject.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the commissioners of the sinking fund of the city of Louisville be, and they are hereby, authorized by the unanimous vote of said commissioners, in their discretion as or any part of the nineteen thousand one hundred and thirty to the time, terms, and quantity, to sell and transfer the whole two shares of the capital stock of the Louisville and Nashville Railroad Company issued to the city of Louisville by said railroad company and now held by said sinking fund.

§ 2. The proceeds of all such sales shall be sacredly applied to the reduction of the present bonded debt of the city of Louisville; and until Louisville city bonds can be purchased at reasonable rates, in the discretion of said commissioners of the sinking fund, the said proceeds of all such sales of the stock aforesaid shall be invested in United States bonds.

§ 3. The second section of an act, entitled "An act to amend the charter of the Louisville and Nashville Railroad Company," approved February 10th, 1864, so far as the same relates to the city of Louisville, and an act, entitled "An act authorizing the commissioners of the sinking fund of the city of Louisville to sell, dispose of, and transfer the stock of

the Louisville and Nashville Railroad Company held by said commissioners for said city," approved April 9th, 1880, and all laws in conflict with this act, be, and the same are hereby, repealed.

§ 4. This act shall take effect from and after its passage.

Approved February 1, 1882.

#### CHAPTER 106.

AN ACT to amend and reduce into one the several acts in regard to the town of Grayson, in Carter county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the boundary line and corporate limits of the town of Grayson, in Carter county, be, and the same are, fixed as follows, viz: Beginning at the line between the Carter county poor-house farm and the Sallie M. Jones farm, where the Eastern Kentucky Railway crosses the same; thence a straight line the mouth of the lane southeast of the "Grayson store" of said railway company, on the county road leading east from Grayson to Little Sandy river; thence a straight line to and with the line between the lots belonging to the Eastern Kentucky Company and the lands of Sallie M. Jones to the branch north of the engine-house of said company; thence a straight line the county road leading north from the town of Grayson, at a point north of the premises conveyed to Frank Prater by James Bagby and Mary M. Bagby; thence a straight line west to top of the ridge at E. A. Jones' west line; thence with said ridge, with its meanders, a southerly direction to James Nethercutt's northeast corner; thence with his line to the county road leading west from Grayson; thence a straight line to the residence of John Ratcliffe and James R. Means, including said residence; thence a straight line to the beginning; and said town be, and the same is hereby, created a body-corporate and politic, with power to sue and be sued in its corporate name, contract and be contracted with, under the name and style of the "Town of Grayson," in Carter county.

§ 2. The fiscal, prudential, government, control, and municipal affairs of said town of Grayson shall be vested in a board of trustees, which shall be composed of five members, and shall be known and designated as the board of trustees of

the town of Grayson. Three of said trustees shall constitute a quorum for the transaction of business, all of whom shall be citizens of the State, and shall have resided in said town, and *bona fide* housekeepers, one year next preceding their election, and take an oath before entering upon the duties of their office faithfully to perform the same.

§ 3. That said trustees and their successors in office shall be a body-politic and corporate, and by that name shall be - capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts in this Commonwealth; and may use or not use a common seal; and shall be vested with all general powers conferred by the laws of this Commonwealth on bodies-corporate of like character.

§ 4. Said trustees shall be elected on the first Saturday in May, 1882, and annually thereafter, by the male inhabitants of said town entitled to vote at the general State elections for Representatives in this General Assembly: *Provided, however,* That no person shall be entitled to vote for trustees until he shall have paid his poll-tax for that and the preceding years, and all arrearages and taxes by him due said town. The said trustees shall hold their offices for one year, and until their successors shall have been elected and qualified, and shall have power to fill any vacancy which may occur in their body; but if any trustee elected at annual election shall refuse to qualify and serve, the board shall immediately appoint a trustee or trustees to supply his or their place. It shall be the duty of the board to appoint one of their own number chairman, who shall preside at all their meetings, and in case of his absence may appoint a chairman *pro tempore*, and in case of his death, removal from the town, or vacation of his seat, the trustees may appoint another in his stead. The elections for trustees shall be held at the courthouse in said town by two judges, a sheriff and a clerk, who shall be sworn as all other election officers are required to be sworn under general laws, and to be appointed by the board, and shall be conducted in all respects as elections under the State laws; and the penalties imposed by the election laws of the State shall apply to offenses committed at said elections. The trustees may, from time to time, fix and regulate the time of their regular meetings, and shall hold at least one regular meeting each month, and may prescribe the mode in

which special meetings may be called, and may inflict a penalty not exceeding one dollar on any member for non-attendance at any one meeting, to be applied to the purchase of stationery, light, and fuel for said board.

§ 5. A police judge and town marshal shall be elected by the qualified voters of said town of Grayson on the first Saturday in May, 1882, and biennially thereafter, each to hold their office for the term of two years, and until their successors are elected and qualified. The polls of the election of trustees, police judge, and town marshal shall be returned to the county court of Carter county at the first term after said election, and the said county court shall certify the result of the election, so far as the election of police judge is concerned, to the Governor of the State, whose duty it shall be to issue a commission for the person elected to the office of police judge, who shall be a judicial officer to be styled the police judge of the town of Grayson.

§ 6. The police judge, before he enters on the duties of his office, shall take an oath before some officer authorized to administer an oath under the laws of this State to discharge the duties of his said office faithfully and impartially to the best of his ability, without favor or affection, together with such other oaths as other public officers may be required by the law and the Constitution to take. The police judge shall have jurisdiction within the limits of said town in any cases, civil and penal, concurrent with the jurisdiction of the justice of the peace of Carter county, and the Civil Code of Practice shall regulate the proceedings before the police judge in civil cases tried before him; and the police judge shall have the same jurisdiction now given by law to justice of the peace within said town in civil actions and penal prosecution. He shall have jurisdiction of all offenses exclusively arising under the by-laws or ordinances of said town, and shall have power and authority to grant injunction or restraining orders in equity, writs of *ne exeat* and *habeas corpus*, and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence in all courts of record within this Commonwealth. He shall have power to fine and imprison for contempt: *Provided*, Said fine shall in no case exceed ten-dollars, nor imprisonment more than twelve hours. He shall have power to order the marshal, or other officer authorized to execute process in his court, to summons a jury in any

cause cognizable before him when a jury will be required before a circuit court or a justice of the peace, and to compel their attendance. He shall be conservator of the peace, and shall *ex officio* proceed against violators of the statute laws of this Commonwealth and the by-laws and ordinances of the board of trustees without the need of an informer; shall have the same power as an examiner of said county in taking depositions, and be governed by the same rules. Said police judge shall be entitled to the same fees as are now or may hereafter be allowed by law to justices of the peace for similar services.

§ 7. The police judge of said town shall commit to the county jail of Carter county all persons liable to commitment for violations of the criminal and penal laws of this Commonwealth, and for breaches of the ordinances of said town, and the jailer of said county shall receive and keep all persons so committed by said police judge: *Provided*, That the fees for taking care of all persons committed to said jail by said judge shall be allowed by the board of trustees, and paid out of the town treasury of said town.

§ 8. It shall be the imperative duty of the police judge of said town to commit to jail all persons who shall fail to pay or replevy, with good personal surety or sureties, the fines and costs of proceedings assessed against them; and unless such fines and costs shall be replevied or paid, the defendant shall remain in jail, and be required by the judgment of said police judge to work on the streets of said town at the rate of one dollar per day, under the marshal, until said fine and costs shall be paid.

§ 9. The police judge shall hold his court for the trial of civil actions on the first Saturday in every month, and he shall have a right to continue his court till all the business before him is completed or disposed of. His court shall be open at all times for the trial of any breach of the penal and criminal laws, or of the by-laws and ordinances of said town, and shall hold said trials without regard to the time of service of process, but shall continue from time to time, for good cause shown.

§ 10. That upon all judgments by the police judge either party shall have the right to appeal from said judgment in the same manner and upon the same terms appeals are taken from justices of the peace in similar cases.

§ 11. In the absence of the police judge, or his inability to attend and hold his courts, or office is vacant, the nearest justice of the peace is hereby authorized and empowered to hold his courts, and with the same authority as the police judge.

§ 12. If the office of police judge shall, from any cause, become vacant, the board of trustees shall immediately recommend a successor to the Governor of this Commonwealth, who is authorized and empowered to commission for the unexpired term of said police judge.

§ 13. The police judge shall execute bond, with good security, to the board of trustees for the payment of all fines and moneys that come to his hands as is now required by law for justices of the peace and other officers; and for a breach of said bond the board of trustees may, in any court having jurisdiction, institute proceedings on said bond, recover the amount due and ten per cent. interest from the time due, together with all legal attorney's fees in prosecuting said suit for a breach of said bond; said bond shall be executed before the Carter county court, and approved by said court, and recorded on the order-book of said court.

§ 14. That it shall be the duty of the town marshal to attend the sitting of the courts to be held by the police judge, to serve all process and precepts, and to collect all executions to him directed from the police judge, or any court that is authorized to direct the same to him, and make due return thereof, in doing which he may go to any part of the county. He shall collect all taxes due said town, executions, and other demands which may be put into his hands to collect or execute, and account for and pay over the same to whosoever may be entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; and for failure to perform any of the duties required of him, he shall be subject to the same proceedings had against sheriffs and constables in similar cases. The said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the county levy; and in all other cases the same allowed constables for similar services: *Provided, however,* That said police judge shall have power and authority, whenever it is made to appear by affidavit that it is impracticable, or some good cause that the marshal cannot

execute process, to direct the same to the sheriff or any constable of Carter county: *Provided further*, That the said marshal shall be invested with all the power and authority which is given to constables in all cases cognizable before said police judge; and before the said town marshal shall proceed to the execution of the duties of his office, he shall take an oath before the board of trustees, to be administered by the chairman or clerk of the board, that he will faithfully and impartially execute the duties of his office, without fear, favor, or affection; and shall also give bond, with good security, to be approved by the board, in such penalty as the board of trustees may fix, conditioned for the faithful discharge of the duties of his office, and upon which he may be liable to motion before the police judge, or motion or suit in courts having jurisdiction in similar cases on bonds of constables for failure to discharge any duty, or to pay over any taxes or money which ought to have been collected by him. Said bond shall be executed in and approved by the Carter county court, and shall contain the same covenants as constable's bonds, and for collection of town taxes and payment of same.

§ 15. All taxes shall be due and owing from the marshal on the first day of August each and every year, at which time, or the first regular meeting of the board of trustees in said month, he shall make a full settlement and be prepared with his delinquent list to be presented to the board of trustees for allowance.

§ 16. The board of trustees shall have power to appoint a clerk, who shall keep in a fair and legible hand a true record of all the proceedings of the board in a book kept for that purpose; and shall also register in a separate book, in a fair hand, all the ordinances and by-laws which may be adopted by the board. Said clerk may be removed at the pleasure of the board. The board of trustees shall allow him a reasonable compensation for his services, not exceeding fifty cents for each regular meeting of said board.

§ 17. It shall be the duty of the trustees, at the first meeting after the annual election, or as soon thereafter as possible, to appoint an assessor, who, after being first sworn faithfully to discharge the duties of his office, shall call upon the owners of taxable property in said town, or their agents, and make out a true list of their taxable estate, real and personal, with

the value thereof, and this shall be made upon the oath of the tax-payer or his agent. In the absence of either, the said assessor, if a resident of town, have a notice, as now required by law for assessors of this Commonwealth, and be subject to like penalties; if, after notice, shall fail to appear and give his or her taxable list. If the property owned in said town by non-resident thereof, the said assessor shall cause the same to be valued by two respectable citizens of said town, competent to affix the value, and return the valuation thereof. If the assessor should not be satisfied with value fixed by the tax-payer, he may call upon two or more persons to give their estimate of the value thereof, who shall be sworn by said assessor, and said assessor shall affix the true value from all the evidence and return the same. Said lists shall embrace all the real estate in said town, laid off in town lots; all the males over twenty-one years of age, with all other species of property, money, notes, and choses in action now taxable for State revenue, exclusive of the ordinary household furniture; and if any one shall refuse to give in such list, he or she shall be double taxed on the value of their property, to be ascertained by the oaths of any two respectable housekeepers of said town, to be recovered, with costs, by warrant, before the police judge of the town, in the name of the Commonwealth of Kentucky, for the use of said board of trustees, without regard to the amount claimed. The said assessor shall return his list within one month after his appointment, and may be fined for failure to do so upon motion of the trustees, upon five days' notice, before the police judge, in a sum not less than ten nor more than twenty dollars. Said assessor shall be paid by said trustees out of the revenues of the town for his services such sum as may be deemed by them reasonable.

§ 18. The trustees shall have the power to levy a poll-tax of not exceeding one dollar upon each male adult inhabitant of the town, and an ad valorem tax of not more than twenty-five cents upon each one hundred dollars of taxable estate in said town. The trustees shall have power to tax all theatrical performances, shows, and exhibitions within the limits of said town in any sum not more than twenty dollars in any one day for each performance, show, or exhibition. They may license drays, wagons, carts, hacks plying or hauling



through said town for hire, and may appoint extra police officers when the emergency requires it.

§ 19. The said town shall have a lien on all the real and personal estate in said town liable for taxes until all the taxes due by the owners thereof shall be paid. The taxes shall be collected by the marshal, and said marshal shall have the power to levy and distrain for taxes which the sheriff of the Commonwealth now have, and may levy upon and sell for taxes and costs of sale the personal property within said town of any person whose taxes remain unpaid, in the same manner that personal property is sold under execution; and if, on the first day of January in any year, there may be due and unpaid any tax or taxes on any lot or fraction of a lot in said town, and the owner thereof has no personal property in said town out of which said taxes can be made, it shall be the duty of the trustees to cause to be published in a newspaper a list of all the lots and fraction of lots on which tax or taxes may be unpaid, and also the amount due upon each lot and fraction of a lot respectively for one week, and announcing upon what day said lots or fraction of lots will be sold, or so much of said lots or fraction of lots as will be necessary to pay the tax or taxes due thereon respectively; and a copy of said list as published, accompanied by the affidavit of the editor or publisher of such paper that such publication was made as was required by this action, shall be recorded in the clerk's office of Carter county court, and when so recorded shall be *prima facie* evidence that said publication was made, and an attested copy thereof may be used on the trial of any cause, and shall have the same force and effect of other attested copies as now authorized by law. If the tax or taxes thus due and advertised are not paid on or before the day appointed for sale of said lots or fraction of lots on which they are due, it shall be the duty of the marshal to expose the same to sale on the day appointed, or so much of the same as may be necessary to pay the tax or taxes due on them respectively to the highest bidder for cash. The sale shall take place at such time in the day and at such place in the town as he may appoint, and he shall convey by deed duly acknowledged to the purchaser the lots or fraction of lots as he may sell, which deed shall pass the title to the purchaser: *Provided, however,* That all real estate thus sold

for taxes in said town may be redeemed at any time within five years by the original owner or owners, or their assignees, by paying the purchaser or his heirs or assignees, his purchase-money, with interest at the rate of thirty per cent. per annum on the sum paid him, and all costs of said sale: *And provided also*, That infants, *femes coverts*, and persons of unsound mind, shall have two years after their several disabilities are removed to redeem their property.

§ 20. That if for any reason the board of trustees may not think proper to intrust the marshal with the collection of the taxes or other revenues of the town, or said marshal shall be unable or refuse to perform that duty, they shall have power to appoint a collector, who, after taking an oath and executing bond before the board of trustees as required of the marshal, shall have full power and authority to perform all the duties required of the marshal in the collection of the taxes and other revenues of the town, and his acts so performed shall have the same validity and effect as performed by the marshal, and he shall receive such compensation for his services as herein allowed the marshal of said town.

§ 21. The board of trustees are hereby empowered to license hotels, saloons, and all houses which may sell or vend ardent or spirituous liquors in any quantities whatever. That the board of trustees of Grayson may, in their discretion, grant to any person of good character who shall apply therefor, a license to sell vinous, spirituous, or malt liquors, or mixture of either, within corporate limits of said town of Grayson, by the drink or otherwise: *Provided, however*, The board of trustees, before they shall grant the license above-mentioned, shall require the applicant to execute bond that he will not sell to a minor without the written direction of his father or guardian so to do in given quantities, and not to sell to any person who is intoxicated; and the applicant shall be required to pay a tax or license fee of one hundred dollars, which license shall give him the privilege to sell and vend spirituous and malt liquors for one year from the date of said license, and for no longer period: *Provided*, That the board of trustees shall not grant to any person license to sell spirituous, vinous, or malt liquors until such person shall have paid to the county clerk of Carter county fifty dollars State tax, and shall produce to said trustees the clerk's receipt for the same.

§ 22. That it shall not be necessary for the applicant to apply to the Carter county court for license, as the board of trustees have the full authority to grant the license within the corporate limits of said town for vending spirituous, vinous, or malt liquors therein, together with the privilege of selling and vending malt liquors whatsoever.

§ 23. The tax received for license granted as aforesaid shall be paid to treasurer of said town, and by him paid over to the common school commissioner of Carter county, and expended in keeping up a common school within the corporate limits of said town, which fund shall be denominated the school fund of said town, and shall be paid out by order of the board of trustees of said school district each year to and for school purposes.

§ 24. That the board of trustees may appoint a street commissioner, who may be removed by said trustees at any time, and another appointed.

§ 25. The police judge shall have jurisdiction, as specified in the sixth section of this act; and all fines inflicted before him shall be for the use of the board of trustees. All warrants for the breaches of the by-laws and ordinances shall run in the name of the Commonwealth of Kentucky, for the use of the board of trustees of Grayson, and other warrants in the name of the Commonwealth of Kentucky. That all fines for violation of the laws of the State inside of the corporate limits of said town shall be paid into the treasury of said town, as well as those for a violation of the by-laws or ordinances of said town.

§ 26. The marshal shall be, by virtue of his office, supervisor of the public streets and alleys of said town; but the trustees may appoint at their pleasure a street commissioner to act in his place and stead.

§ 27. The board of trustees shall have power to pass all needful by-laws and ordinances for the due and effectual administration of right and justice in said town, and for the good government thereof; may legislate on all subjects which the peace, order, and welfare of said town may require, unless restrained by the terms of this charter, or the Constitution and laws of the State; they may affix such penalties for a violation of any of their by-laws or ordinances, not exceeding fifty dollars in each case, as they may deem the good government of said town shall require. All new ordinances of said

town shall be published, or written out in a fair and legible hand, and posted at two or more public places in said town. The board of trustees shall also have power to provide by ordinances for the suppression of all houses of ill-fame, bawdy-houses, gambling-houses, houses which are a common resort for idle, dissolute, and disorderly persons, and other nuisances within the limits of said town; and for any willful neglect of the police judge or marshal to enforce said ordinances, or any of them, they, or either of them, may be proceeded against in the circuit court by indictment, and fined any sum not exceeding one hundred dollars, at the discretion of the jury.

§ 28. The board of trustees shall have power to appoint a treasurer, and of him require a bond for a faithful performance of his duty, imposed on him as treasurer of the town of Grayson, and he shall keep a strict account of all amounts received by him and paid out by order of the board of trustees, and settle his accounts on the first day of June and January each year, and on vacating his said office.

§ 29. The board of trustees shall have the power, at any time within two months after the assessor has returned his books, to hear complaints, and change or reduce or correct the tax-list of any person assessed in said town; and may assess at any regular meeting any person or property omitted by the assessor, after first giving the person or owner of the property ten days' notice of such intention through their clerk.

§ 30. The trustees shall have power to require proper sidewalks and pavements made on any or all sides of the public lot of ground belonging to Carter county, and known as the "court-house property;" said sidewalks and pavements to be made in accordance with the general work of the town of a similar character, the whole to be done at the expense of the county of Carter, and under the direction of the trustees of the town; and the county court shall levy a tax to pay for said work at the first court of claims after the completion of the work; and upon the failure or refusal of the county court to levy such tax, the trustees of the town may apply to the judge of the Carter circuit court, who shall issue a mandamus compelling said county court to levy and collect an amount sufficient to pay said work and costs incurred, and pay the same to the trustees of said town.

§ 31. The trustees shall have power specially, in addition to the other powers granted by this charter—

*First.* To prevent, abate, and remove nuisances, at the cost and expense of the owners or occupiers, or of the parties upon whose ground they exist; and to define and declare, by ordinance, what shall be a nuisance within the limits of the town; and to punish by fine any person for keeping, causing, erecting, or committing a nuisance.

*Second.* To establish, erect, and keep in repair bridges, culverts, and sewers, and regulate the use of the same, and cover them over when the interest of the public requires it.

*Third.* To provide for lighting the streets, market-houses, and public buildings, rooms, and offices.

*Fourth.* To establish, support, and regulate policemen, night-watches, and prescribe their duties and compensation.

*Fifth.* To erect market-houses, establish market places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of stale, unwholesome meats or vegetables.

*Sixth.* To erect, make, and repair wharves and docks, and to regulate and fix the rate of wharfage thereat.

*Seventh.* To regulate the stationing or anchoring of vessels or boats or rafts within the town limits, and the depositing freight and lumber on the public wharves.

*Eighth.* To license, tax, regulate, restrain, and prohibit billiard tables, tipping-houses, bowling-saloons and ten-pin alleys.

*Ninth.* To suppress gaming, drunkenness, gambling-houses, and disorderly houses of all kinds.

*Tenth.* To regulate the sweeping or cleaning of chimneys, and to fix the fees therefor, and prescribe the manner of their collection.

*Eleventh.* To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and to appoint some suitable person or persons, at reasonable times, to enter and examine such houses as they may designate in order to ascertain whether any of such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in secure order and condition.

*Twelfth.* To erect and keep in repair accurate public scales, and appoint a public weigher to attend to the same, and fix fees and compensation for his services.

*Thirteenth.* To provide for the prevention of training or breaking horses, or exhibiting stallions in the public streets and places of the town.

*Fourteenth.* To provide for the removal from the limits of the town, or killing of mischievous or vicious animals, and for the punishment by suitable fines and penalties of the owner or keeper of such animals for allowing them to go at large.

*Fifteenth.* The board of trustees shall have power to appoint or employ an attorney to prosecute for and on behalf of the board of trustees all prosecutions in which the board of trustees may be interested, and to allow him a reasonable compensation therefor.

*Sixteenth.* The board of trustees shall have power to purchase lands for, and locate cemeteries, either within the town limits or elsewhere in Carter county, and exercise full and complete control over the same, and enforce the proper regulation and management thereof by adequate fines and penalties.

§ 32. All persons residing in said town shall be exempt from working roads beyond one half mile outside of the corporation of said town.

§ 33. The board of trustees shall have power, if the office of marshal shall become vacant by removal, resignation, or any other cause, to appoint another to fill the unexpired term, or if he shall fail to qualify after elected, to fill the vacancy.

§ 34. All ordinances passed by the board or by-laws shall go into effect in ten days after their passage, unless declared by an order of the board to take effect at an earlier day.

§ 35. The trustees shall have the power to pass ordinances to permit persons fined for violation of any ordinance to work the same out on the public streets or alleys of said town.

§ 36. That all laws and parts heretofore passed, either general or special laws, by statutes or otherwise, in conflict with this act, be, and the same is hereby, repealed.

§ 37. This act shall take effect from its passage.

Approved February 1, 1882.

CHAPTER 107.

AN ACT authorizing the county court of Hancock county to appoint a delinquent tax collector, and repealing the act approved January 27, 1880, authorizing the sale of the delinquent tax list.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Hancock county shall have Collector.  
power to appoint annually a collector of delinquent taxes for  
said county. It shall be the duty of said collector to collect Duty.  
all of the delinquent taxes in said county, and for this pur-  
pose he shall have the same power as sheriffs have in the  
collection of the revenue and county levy. He shall make  
annual settlements with the county court, at its regular  
December term, subject to the same rules that govern the Settlement.  
settlements of sheriffs.

§ 2. It shall be the duty of the county court to appoint  
said collector at each January or February term of the said  
court, and to list with him, at the same time, the delinquent  
tax list for the preceding year, for which said collector shall  
give his receipt and be responsible until his annual settle-  
ment is made in December following. Before said collector Bond.  
shall enter upon the discharge of his duties he shall give  
bond, in a sum not less than the amount of the taxes listed  
with him, for the faithful performance of his duties, condi-  
tioned that he will well and truly pay over to the person en-  
titled to receive the same all money that he may collect, and  
to return to the county court such tax receipts as he has not  
collected, and that he will promptly and faithfully discharge  
all the duties of his office.

§ 3. The county clerk shall take the bond aforesaid, and  
shall be responsible for the faithful discharge of this duty on  
his official bond. The county court shall allow said collector Compensation.  
for his services any sum not exceeding twenty per cent. of  
the amount collected, which he shall retain on his annual set-  
tlement. The sheriff and his deputies shall be ineligible for  
the office of collector.

§ 4. The aforesaid collector shall, at his annual settlement  
with the county court, pay over all sums of money so col-  
lected by him into the hands of the county clerk, who shall  
be the custodian of said funds, hold the same subject to the  
order of a majority of the county court, and be responsible  
therefor on his official bond.

§ 5. The act authorizing the presiding judge of Hancock county to sell the delinquent tax list, approved January 27, 1880, is hereby repealed.

§ 6. This act shall take effect from and after its passage.

Approved February 1, 1882.

## CHAPTER 108.

AN ACT to amend an act, entitled "An act to create the office of county treasurer for Barren county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 1 of an act, entitled "An act to create the office of county treasurer for Barren county," be amended by striking out all of said section after the word "treasurer," in the second line of said section, and in lieu thereof said section is amended so that it shall read as follows: "Said officer shall be elected by the county court of Barren county at the regular term of said court when held as a court of claims, and shall enter upon the discharge of his duties on the first Monday in January, 1883, and shall hold his office for the term of our years, and until his successor shall have been elected, and qualified."

ad vol. Acts 1876,  
page 168.

Treasurer  
Election.

Term.

§ 2. If the office of county treasurer for Barren county shall become vacant by death, resignation, or otherwise, the presiding judge of Barren county shall have power and authority to fill the vacancy for the remainder of the term, and until the successor is elected and qualified.

Vacancy.

§ 3. It shall be the duty of the treasurer of Barren county, when his annual settlement shall be made as required by the fifth section of the act to which this is an amendment, to pay over to the commissioners of the sinking fund of the Glasgow Railroad such balances, if any, as may be in his hands arising from levies made by the county court, to pay coupons falling due on bonds issued by precinct No. 1 of Barren county to the Glasgow Railroad Company; and said treasurer shall pay over to the commissioners of the sinking fund of the Glasgow Railroad Company all sums received by him upon levies made by the county court of said county to create a sinking fund with which the railroad bonds of precinct No. 1, in Barren county, are to be retired.

Duties.



§ 4. *Be it further enacted.* That John W. Jones, former treasurer of Barren county, shall pay over to the commissioners of the sinking fund of the Glasgow Railroad the balance in his hands arising from levies made by the county court of said county to create a sinking fund with which the railroad bonds of precinct No. 1 in said county are to be retired, and also the balance in his hands arising from levies made by said court to pay coupons on said bonds.

§ 5. That it shall be the duty of the judge of the Barren county court to appoint a treasurer for Barren county to serve till the next regular term of the court of claims of said court, and until the treasurer then elected shall be qualified.

§ 6. The judge of the Barren county court shall make to the treasurer of Barren county a reasonable allowance for his services, not exceeding one and one half per cent. on the funds received and paid out by him, to be paid out of the county levy, and out of the proceeds of levies made for railroad purposes, in proportion to the amount received by said treasurer from each of said sources. Compensation.

§ 7. This act shall take effect from and after its passage.

Approved February 1, 1882.

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## CHAPTER 109.

AN ACT to increase the corporate limits of Louisa, Lawrence county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the town of Louisa, in the county of Lawrence, State of Kentucky, be so amended that the corporate limits of said town shall be so changed on the southeast line as to embrace the lot owned by James H. O'Brien, known as the Pickirell property, and the lot owned by Edward Ferguson, known as the Slusser property, and that said town lots shall hereafter be embraced within the said corporate limits of said town, and subject to all the regulations and assessments of the authorities of said town.

§ 2. This act shall take effect and be in force from its passage.

Approved February 1, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 110.

AN ACT for the benefit of Warren Smith, late deputy for W. N. Simmons, late sheriff of Bullitt county, giving him further time to collect taxes and fee-bills.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the further time of two years is given Warren Smith, late deputy for W. N. Simmons (now deceased), late sheriff of Bullitt county, in which to collect, distrain, and make levy for all uncollected taxes and fee-bills due said Simmons or said Smith, as his deputy aforesaid, subject to the penalties prescribed by law for making illegal distraint, levy, or collection.

§ 2. This act shall take effect from its passage.

Approved February 1, 1882.

## CHAPTER 111.

AN ACT for the benefit of Warren Smith, late sheriff of Bullitt county, giving him further time to collect taxes and fee-bills.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the further time of two years is given to Warren Smith, late sheriff of Bullitt county, in which to collect, distraint, and levy for uncollected taxes and fee-bills due him, subject to the penalties prescribed by law for making illegal levies or collecting illegal fees.

§ 2. This act shall take effect upon its passage.

Approved February 1, 1882.

## CHAPTER 113.

AN ACT for the benefit of Joseph Elbe, of Louisville.

WHEREAS, The city charter of Louisville requires that persons applying for coffee-house license shall first obtain such license from the State, which is done by application to the county clerk; and whereas, Joseph Elbe, of Louisville, in the year 1881, did apply to the clerk of the county court of Jefferson county, and, on payment of the sum of fifty dollars, did obtain State license to carry on a coffee-house; and whereas, after paying said fifty dollars for said State license,

the general council of the city of Louisville did refuse to grant said Joseph Elbe a city license, thereby rendering it impracticable for him to use the State license; and whereas, the county clerk of Jefferson county has no authority to pay back to said Joseph Elbe said fifty dollars, but which has been by said clerk turned over to the State; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of this State is hereby directed to draw his warrant upon the Treasurer of this State in favor of Joseph Elbe, of Louisville, for the sum of fifty dollars in payment of claim aforesaid.

§ 2. This act shall take effect from its passage.

Approved February 1, 1882.

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#### CHAPTER 114.

AN ACT to amend an act, entitled "An act to incorporate the Paducah and Illinois Bridge Company," approved April 26, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Paducah and Illinois Bridge Company," approved April 26, 1880, be amended as follows, to-wit: That the capital stock of said Paducah and Illinois Bridge Company is increased to two millions of dollars, and the money, assets, and property of said corporation shall be exempt from taxation from the organization of said company until five years from the time of the completion of the bridge across the Ohio river, as is authorized by the act to which this is an amendment; and the said company shall have the right to sell or otherwise dispose of the unsubscribed stock, in such manner and on such terms as they may think proper to insure the completion of said bridge.

§ 2. This act shall take effect from its passage.

Approved February 1, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 115.

AN ACT declaring Grassy creek, in Ohio county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the stream of Grassy creek, in Ohio county, be declared a navigable stream from its mouth to where the Hartford and Point Pleasant road crosses said stream.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 1, 1882.

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## CHAPTER 116.

AN ACT for the benefit of E. Frank Lemaster, of Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That after the passage of this act it shall be lawful for E. Frank Lemaster, clerk of the Morgan circuit court, to practice law in all the courts of this Commonwealth, except the Morgan circuit court.

§ 2. This act shall take effect from and after its passage.

Approved February 1, 1882.

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## CHAPTER 117.

AN ACT to amend, revise, and reduce into one the several acts in relation to the town of Lagrange, in Oldham county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. From and after the passage of this act the boundary of the town of Lagrange, in Oldham county, shall be as follows: Beginning at the northwest corner of the court-house square as the fence now stands, and running thence south 70 degrees west 20 poles, with the south side of Jefferson street, to the west side of West street; thence south 20 degrees east 70 poles, with the west side of West street to the south side of South street; thence north 70 degrees east 80 poles to a corner; thence north 20 degrees west 26 poles to a corner; thence north 70 degrees east 70 poles to a corner; thence north 20 degrees west 90 poles to a corner; thence south 70 degrees west 150 poles to a corner; thence south 20 degrees east 46

poles to the place of beginning on the west side of West street. The inhabitants of said boundary are hereby declared to be a body-corporate, with perpetual succession, with power to sue and be sued, contract and be contracted with, by the name of the town of Lagrange, and to have a corporate seal.

§ 2. It shall be the duty of the first trustees elected under this act, as soon after their election and qualification as may be, to cause a survey of the town to be made according to the boundary specified in the first section, and to cause permanent monuments to be erected at the place of beginning and at the various corners. They shall cause a plot of such survey to be prepared, showing the various divisions of the town into lots, streets, and alleys. The names of the streets and alleys, and the numbers of the lots heretofore in use, shall, so far as practicable, be preserved, and such land as may be included in said boundary not heretofore embraced in the corporate limits of the town, shall be designated upon said plot by the names of the owners. The trustees shall cause said plot to be recorded in the office of the county clerk of said county, and a copy thereof, under the hand of said clerk, shall be admitted in evidence in any of the courts of this Commonwealth.

§ 3. The municipal government of the town shall consist of a board of trustees, one of whom shall be selected by the board to preside over their meetings, who shall be styled "Chairman of the Trustees of Lagrange."

§ 4. Said trustees and their successors in office shall be a body-politic and corporate under the name and style of the "Trustees of Lagrange," and by that name they may, for and on behalf of said town, contract and be contracted with, sue and be sued, and do all other things which a body-politic and corporate may lawfully do within the limits of the powers herein granted.

§ 5. The other officers of said town shall be a police judge, marshal, attorney, clerk, treasurer, assessor, collector, and such other officers as the trustees may from time to time direct and appoint.

§ 6. An election shall be held in said town on the second Saturday in February, 1882, and every two years thereafter, at such place as the trustees may appoint, of which ten days' notice shall be given by written or printed notices,

posted in at least five public places in the town by the town clerk: *Provided*, That it shall be the duty of the sheriff of said county to give the notice herein required of the first election under this act.

§ 7. At each biennial election there shall be elected by the qualified voters of the town five trustees, a police judge, a marshal, and an attorney for the town, and the person receiving the highest number of votes for any of said offices shall be declared elected. They shall hold their respective offices for two years, and until their successors are elected and qualified. The other officers enumerated in section five of this act shall be chosen by, and hold their respective offices at the pleasure of, the trustees.

§ 8. No person shall be eligible to any office in said town who is not a citizen thereof, and a qualified voter under the laws of the Commonwealth, and no one shall be eligible to the office of police judge, trustee, marshal, or attorney who has not, at the time of his election, resided in the town at least six months next preceding his election.

§ 9. Every person elected or appointed to office under the provisions of this act shall, before entering upon his duties as such, take and subscribe before some authorized officer the oath prescribed by the Constitution of this Commonwealth, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

§ 10. Whenever a vacancy shall happen in any office, which this act requires to be filled by election, it shall be the duty of the trustees to order an election for the purpose of filling such vacancy, of which notice shall be given as provided in the sixth section.

§ 11. When two or more candidates for any elective office shall have an equal number of votes, the election shall be decided by lot, in such manner as the trustees may direct, in the presence of the trustees, and at least three other persons.

§ 12. The trustees shall, before each regular or special election, appoint two judges, a sheriff, and a clerk to hold the same, but no person who is a candidate for any office to be filled by such election shall be appointed or act as an officer thereof. The compensation of said officers shall be fixed by the trustees, but their liabilities shall be the same as those of officers of State elections under the laws of the Commonwealth.

§ 13. The elections herein provided for shall be held between the hours of eight o'clock in the forenoon and five o'clock in the afternoon; and all laws in force in this Commonwealth punishing illegal voting at other elections shall apply to illegal voting at the town elections in Lagrange, subject to the provisions of this act as to the qualification of voters.

§ 14. All qualified voters under the laws of this Commonwealth who shall, at the time of offering to vote, have resided in the town sixty days previous thereto, and all qualified voters of the Commonwealth who are, at the time of offering to vote, and have been for three months previous thereto bona fide owners in their own right of real estate situated in said town, shall be entitled to vote at any election held therein.

§ 15. The board of trustees shall judge of the qualifications and election of its members; and cases of contested elections for any officer of the town shall be heard and determined by the board of trustees under such rules and regulations as they may, by ordinance, prescribe.

§ 16. The outgoing town clerk shall certify to the Secretary of State the name of the person elected to the office of police judge, and the Governor of this Commonwealth shall issue a commission to such person.

§ 17. The poll-books of all elections held in said town shall be returned by the sheriff of the election to the clerk of the town, who shall preserve them as part of the records of his office, examine and compare the same, and issue certificates of election to the persons elected, which certificates, before being delivered to such persons, shall be approved by the board of trustees, and spread upon their records.

§ 18. The clerk shall keep the corporate seal, if there be one, and keep a complete record of the proceedings of the board of trustees, whose meetings it shall be his duty to attend; and transcripts from the records of such proceedings, certified by him, shall be evidence in all courts of this Commonwealth. He shall draw all warrants directed by the board of trustees, and countersign the same, and keep an accurate copy in a book to be provided for the purpose. He shall issue licenses when directed by the trustees to do so, and perform all other duties which the trustees may lawfully direct.

§ 19. The treasurer shall receive all money belonging to the town, and keep an accurate account of receipts and expenses. He shall pay out money only on the order of the trustees, and the warrant for such payment shall be signed by the chairman or acting chairman of the trustees, and countersigned by the clerk, and it shall specify the purpose for which the amount named therein is paid. The treasurer shall exhibit to the board of trustees at least once in each year, and oftener if required, a detailed account of all receipts and expenditures, and state the condition of the treasury. Such reports shall be spread upon the records of the board of trustees, and published one time in a newspaper of the town.

§ 20. The marshal shall attend all sessions of the police court, and give to the town attorney notice of any proceedings in said court which it is his duty to attend. He shall execute and make due return of all process directed to him by said court, or by any other court of this Commonwealth. He shall possess all the powers of a constable for Oldham county. He shall be entitled to receive the same fees allowed by law to sheriffs and constables for similar services, to be collected in the same manner. For other services he shall receive such fees and compensation as the trustees may by ordinance prescribe. He shall be liable in the same cases, way, and manner that constables and sheriffs are liable, and may be sued or proceeded against in the same manner. He may, in the discretion of the trustees, be appointed collector of said town.

§ 21. The collector shall collect all taxes and assessments which may be levied by the board of trustees, and for that purpose he shall have all the powers of a sheriff to make sales of real and personal estate. He shall pay over to the treasurer all taxes and other money which may come into his hands. When the tax list is placed in his hands he shall proceed at once to collect the same, and to enforce payment may levy on and sell property, after advertising the same by written or printed notices, posted up in at least three public places in the town for not less than ten days. Within three months from the time he receives such list he shall make out and return to the board of trustees a report showing the amount collected, the names of those who have paid and those who are delinquent, but he shall report no one delinquent, nor shall he be credited in his settlement with the trustees by the list of any person who owns personal prop-



erty in said town out of which the taxes can be made. Upon the return of the collector's report, as above provided, the board of trustees shall, by order duly entered of record, direct warrants to be made out, signed by the chairman and countersigned by the clerk, directing the collector to levy upon and sell so much of the real property of the delinquents as may be necessary to pay the taxes due and the costs of sale. On receipt of such warrants the collector shall proceed to make levies, as thereby commanded, and shall sell the property levied on at public auction, to the highest bidder, for cash, after advertising as already provided in this section. On receiving the price, he shall give to the purchaser of such real estate a certificate of the purchase, describing the property in such manner that it may be identified. Such certificate, on presentation to the board of trustees, shall entitle the purchaser to a conveyance from said trustees of the real estate so purchased, unless the same shall be redeemed as hereinafter provided. The collector shall, within sixty days from the delivery of such warrants to him, make to the board of trustees a full and complete return of the manner in which he has executed the same, and said warrants, together with the collector's return thereon, shall be spread at large upon the records of the board.

§ 22. The attorney for the town shall prosecute offenders against the by-laws and ordinances of the town, and give written opinions upon all subjects submitted to him by the board of trustees or its committees.

§ 23. The assessor shall perform all the duties which the trustees may by ordinance prescribe in relation to the assessment of property for the purpose of imposing or levying taxes.

§ 24. The trustees may, by ordinance, at any time, require the performance of other duties, and fix the compensation of officers whose duties are prescribed by this act, and they may prescribe the duties and fix the compensation of all officers elected or appointed under this act, whose duties and compensation are not herein specifically mentioned.

§ 25. The police judge, treasurer, marshal, and collector, and such other officers as the board of trustees may designate, shall severally, before they enter upon the duties of their respective offices, execute bonds to the trustees of Lagrange,

conditioned that they will faithfully execute the duties of their respective offices, and pay over to such persons, at such times as they may be entitled to receive the same, all money that may come into their hands as such officers. The bonds so executed shall be spread upon the records of the board of trustees, and the originals carefully preserved by the clerk. The trustees of said town, or any person injured by the breach of any of said bonds, may, in any court having jurisdiction, prosecute suit or motion thereon against the officer by whose breach of duty such injury is occasioned, and his sureties, or any or all of them, or the personal representatives, heirs, or devisees of any or all of them, as provided by law concerning sheriffs, constables, or other like officers.

§ 26. Any person who, having been an officer of said town, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession pertaining to the office so held, shall forfeit and pay, for the use of the town, the sum of one hundred dollars, besides all costs and damages caused by his failure or refusal to do so, to be recovered by suit or motion upon his official bond.

§ 27. There is hereby established in said town a court, to be styled the Lagrange police court. Said court shall be held by one judge, who shall be styled the judge of the Lagrange police court, and who shall be elected and qualified as prescribed by this act. Said court shall have exclusive jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, and concurrent jurisdiction with other courts of Oldham county of misdemeanors committed in said county, the punishment of which does not exceed a fine of one hundred dollars and imprisonment not exceeding fifty days. Said court shall have power to issue warrants and other process in the name of the Commonwealth, to compel the attendance of witnesses, to take bonds and recognizances from persons charged with offenses cognizable before it to appear and answer the same, and the same power to declare such bonds or recognizances forfeited, to pronounce judgment thereon, and enforce full compliance therewith that circuit courts have. It shall have power to enter judgment and record, and to issue writs for the purpose of enforcing its orders and judgments, to the same extent, and

in the same manner, as other courts of this Commonwealth of like jurisdiction. The police judge shall be a conservator of the peace, and shall have power to take recognizances to keep the peace, and to do all other acts necessary and proper to carry into full and complete effect the powers and jurisdiction conferred on said court.

§ 28. The police court shall be held at such place in said town as the trustees may designate, or they failing to designate and provide a suitable place, at such place as the judge may select. It shall be open at all times for the trial of criminal and penal cases within its jurisdiction. It shall be a court of record, and the judge shall act as clerk thereof, and copies of its records certified by him shall be evidence in any court of this Commonwealth.

§ 29. Said court shall have no power to empanel a grand jury, nor shall any indictment be necessary to the exercise of the jurisdiction hereby conferred on it. It may punish contempt by a fine of not more than five dollars, and imprisonment for not more than twelve hours. No person shall be tried in said court for an offense, the punishment of which may exceed fifteen dollars, without the intervention of a jury, unless the privilege of such trial be specifically waived.

§ 30. The jurisdiction of the police judge in holding examining trials shall be such as are prescribed by the laws of this Commonwealth for other like officers.

§ 31. All process from said police court shall be in the name of the Commonwealth of Kentucky, and may be directed to any officer authorized by law to execute such process.

§ 32. All fines and forfeitures recovered in said court for offenses committed within the town limits are hereby granted to the town of Lagrange, and shall be paid by the officers collecting the same to the treasurer of said town. Before the issual of execution or other final process or a judgment in said court for a fine or forfeiture, the defendant may pay the same to the judge of the court. The defendant may also, before or after the issual of execution or *capias pro fine*, replevy for three months any judgment of the police court in the same manner as is allowed by law in similar cases within the jurisdiction of other courts. Upon all judgments for fines rendered by said court, and which shall not be paid or replevied at the time of rendering the same, an execution

against the estate of the defendant may be issued, or a *capias pro fine* may issue requiring the imprisonment of the defendant in the town or county jail or work-house until the same shall be paid or replevied; but the imprisonment shall not exceed one day for each dollar of the fine. But said court may, in its discretion, assign a person so fined to hard labor for the benefit of the town until he shall pay the fine and costs adjudged against him, at the rate of one dollar per day. No such person shall be required to labor more than eight hours per day, and while at labor he shall be under the control of the town marshal, who shall be responsible upon his official bond for the balance of the fine remaining unpaid, if such person is permitted to escape by negligence of such officer. When not at labor, such person shall be imprisoned in the town or county jail or work-house; and for the purpose of putting him in or taking him from prison, a certified copy of the judgment shall be sufficient authority to the marshal, jailer, or keeper of the work-house. Persons sentenced to imprisonment by said court may be assigned to labor in like manner as those fined. When persons imprisoned as contemplated by this section are confined in the county jail, the jailer's fees shall be paid by the town.

§ 33. A return of not found upon a *capias pro fine*, or of no property found upon a writ of *feri facias*, issued on any judgment for a fine imposed by the police court, shall authorize an equitable proceeding in favor of the trustees of Lagrange against the estate of the defendant for the purpose of enforcing satisfaction of such judgment, as a return of no property found authorizes such proceedings in civil cases.

§ 34. The police court shall have jurisdiction of civil cases for the recovery of money or personal property when the amount in controversy does not exceed one hundred dollars. When the amount in controversy, exclusive of interests and costs, exceeds fifty dollars, the pleadings in said court shall be regulated by the provisions of the Civil Code of Practice applicable to circuit courts; otherwise, the pleadings shall be oral. The judge of said court shall have power to grant attachments, injunctions, restraining orders, orders of delivery, writs of *habeas corpus*, distress warrants, and writs of forcible entry or detainer, under the same circumstances, rules and regulations, as justices of the peace or judges of other courts with like jurisdiction and powers. Quarterly

terms of said court for the trial of civil causes shall be held at such times as the judge may direct by an order entered of record. The trustees shall provide the judge of said court with an order-book, execution-book, and docket, and it shall be his duty to keep a record of all proceedings in his court in the same manner and to the same extent as is required by law of judges of quarterly courts. He shall also carefully preserve all papers and records pertaining to his office, and deliver them to his successor in good order.

§ 35. Appeals shall lie from the decisions and judgments of said court in criminal or penal cases to the Oldham circuit court when the fine is ten dollars or more, or the imprisonment is for a period of five days or more, and in civil cases when the amount in controversy, exclusive of interest and costs, exceeds ten dollars. The manner of taking appeals, and all proceedings thereon, except as herein otherwise indicated, shall conform to the provisions of the Civil and Criminal Codes of Practice of this Commonwealth.

§ 36. The fees of the police judge shall be the same in all cases as are now or may be hereafter given by law to other officers performing like services, subject to the same regulations as to taxation and collection.

§ 37. The trustees of said town shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes, not more than thirty cents on each one hundred dollars' worth of property in said town; but no person shall be compelled to list for taxation any money not in his actual possession, nor any debt owing to him, unless the person owing the same be also a resident and tax-payer of said town. Said trustees may also levy a head or poll-tax of not exceeding two dollars on every male inhabitant of said town over the age of twenty-one years, and a tax of not more than two dollars on every dog which any person may keep or suffer to be kept on his premises in the town. There shall be exempt from taxation in said town the property exempted by the general laws of the Commonwealth, and no more, except as provided in this section.

§ 38. All taxes imposed by said trustees under this act shall be a lien upon the property, real and personal, of the person against whom the same is assessed, until the same are paid, and no sale or transfer of the property shall affect the

lien thereon until after the expiration of two years from the time such taxes became due.

§ 29. The right of redemption in all cases of sales of real estate for taxes shall exist to the owner or his heirs, vendees or assignees, for two years from the date of sale, on payment of the amount for which the same was sold, with twenty-five per cent. per annum added thereto, and all taxes accrued subsequent to the sale. If the owner, at the time of the sale, be an infant or person of unsound mind, the right to redeem shall exist for two years after the removal of such disability, and such person so disabled shall not pay more than legal interest and taxes due. If not redeemed within the time specified, the board of trustees shall, on presentation of the certificate of sale, convey such real estate to the purchaser.

§ 40. All fines, forfeitures, taxes, and assessments herein contemplated and provided for shall be appropriated exclusively to the use of said town. All fines recovered in any court of Oldham county for an offense committed within the corporate limits of said town shall, by order of the court, be paid to the treasurer of said town for the use thereof, except in cases indicted for felony, and found guilty of a misdemeanor on trial under the indictment.

§ 41. The trustees shall make such rules and regulations concerning the assessment of property as they may see proper, and also for revising and correcting the lists returned by the assessor.

§ 42. The board of trustees shall hold stated meetings at least once in every month, and the chairman, or, in his absence, the town clerk, may call other meetings by notice in writing to each of the members. A majority of the members elected shall constitute a quorum. In the absence of the chairman, any member of the board may be selected to discharge his duties for the time.

§ 43. The board of trustees shall have power to make, ordain, and publish all such ordinances, by-laws and regulations, not contrary to the Constitution of the United States or the Constitution and laws of this Commonwealth, for the good government of the town, and to promote health, security, trade, and commerce, as they may deem necessary or expedient. They may enforce the observance of all ordinances, by-laws, and regulations made in pursuance of this

act, by penalties not exceeding one hundred dollars fine and fifty days imprisonment. But said trustees shall not attach to any offense recognized by the statutes of this Commonwealth a penalty either greater or less than is provided by the general laws.

§ 44. The board of trustees shall have the management and control of the finance and of all the property, real, personal, and mixed, belonging to the town; to provide for the erection, repair, maintenance, and government of all public buildings for the town. They shall have power within the corporate limits to restrain and prohibit all descriptions of gaming and fraudulent devices; to license, tax, regulate, or prohibit billiard-tables, pool-tables, pigeon-hole tables, nine or ten-pin alleys, or like alleys; to license, tax, regulate or prohibit all concerts, exhibitions, shows, circuses, theatrical performances, and all like exhibitions and amusements; to restrain or suppress disorderly houses, groceries, saloons, halls, and houses of prostitution; to restrain, suppress, and punish indecent language or conduct, and to punish vagrants and prostitutes; to restrain, regulate, or prohibit the running at large of horses, swine, or other animals, and to impose penalties on the owner of any such animal for a violation of any ordinance in relation thereto; to prohibit the running at large of dogs, and to authorize their destruction when found at large contrary to ordinance, and to impose penalties on their owners for permitting them to be at large; to appoint watchmen or policemen, and to prescribe their powers, duties, and pay; to establish and maintain a jail or watch-house, hospital, work-house, and market-house, and make rules and regulations for the government thereof; to authorize the clerk to issue license, to direct the time and manner of issuing and registering the same, and the fees to be paid him therefor; but no license shall be granted for more than one year, and the clerk's fee for issuing the same shall not exceed fifty cents. Said trustees may license, tax, and regulate auction sales, auctioneers, teamsters, and peddlers; they may declare what are nuisances, provide for the abatement thereof, and impose penalties for the creation and maintenance of the same; they may license, tax, and regulate within said town and within one mile thereof, hotel or tavern-keepers, saloon or coffee-house keepers, grocers, merchants, or druggists who sell spirituous, vinous, or malt liquors, and restrain and pun-

ish the sale of such liquors or any of them without license; they may provide for the security of said town against fire by the purchase of fire engines or other apparatus, and the organization of one or more fire companies, appoint officers, and make rules for the government of such companies, and do all other acts necessary to the maintenance of an effective fire department; they may acquire and hold, by donation or purchase, land either within or without the limits of the town, for a cemetery not exceeding ten acres, and for a poor-house or pest-house not exceeding one acre each; they may make and receive all conveyances relating to the property of the town, and may receive and hold any estate, real, personal, or mixed, for the use, benefit, or ornament of the town.

§ 45. The board of trustees shall have power to grant the licenses for which provision is made by this act; but this act shall not be construed as excusing the persons obtaining such license from paying to the State any tax, and procuring from the county court or clerk any license required by law; nor shall the trustees have power to refuse license to any *bona fide* tavern-keeper who has obtained license from the Oldham county court, unless he shall fail or refuse to pay the amount due the town for the license.

§ 46. The amount to be paid the town for license to any hotel or tavern-keeper for the privilege of selling spirituous, vinous, or malt liquors therein shall not be less than twenty-five nor more than fifty dollars, and the amount to be paid by any saloon or coffee-house keeper for such license shall not be less than one hundred nor more than two hundred dollars. Any merchant, druggist, or grocer may be licensed to sell spirituous liquors, not less than a quart, upon payment of such sums as the trustees may fix, not less than twenty-five dollars; but such person shall be subject to all the provisions of the general laws in regard to keeping tippling-houses. Nothing in this act shall be construed as preventing a *bona fide* druggist from selling liquors upon the prescription of a regular practicing physician. Before any person shall have the right to sell liquor in said town as herein provided, he shall present to the treasurer of said town a certified copy of the order of the board of trustees granting him license, and pay him the amount therefor as required by ordinance. Any person who shall sell spirituous, vinous, or malt liquors, or any of them, within the town limits, in vio-



lation of the provisions of this section, shall be deemed guilty of unlawfully retailing liquor or of keeping a tippling-house, as the case may be, under the laws of Kentucky, and persons so offending may be tried in the police court.

§ 47. The board of trustees shall have authority and control over the streets, sidewalks, alleys, public squares and grounds now in said town, or which may hereafter be laid out, with full power to grade, construct, repair, protect, and ornament the same as they may deem most convenient and beneficial to the town.

§ 48. It shall be the duty of the trustees, at all times, to keep the streets, alleys, public squares and places in good order, and for every failure to do so, as well as for every other willful failure to efficiently exercise the powers or perform the duties herein imposed on them, they shall forfeit and pay a fine of not less than twenty nor more than fifty dollars, to be paid out of their estates, share and share alike.

§ 49. The owners in front of or upon whose premises the board of trustees shall order any curbing or sidewalks to be constructed, repaired, or relaid, shall construct, repair, or relay such curbing or sidewalks at their own cost, in the manner, with the material, and within the time prescribed by the trustees. If not so done, the trustees may cause such work to be performed, and assess the expense thereof, which shall be a lien upon the premises, and may be collected by warrant and sale as in the case of taxes. Suits may also be maintained by the trustees against the owners of such premises for the collection of such assessments and the enforcement of the lien.

§ 50. Any ordinance, by-law, or regulation enacted by the trustees shall, before it takes effect, be published at least one time in a newspaper of said town, if there be one published therein, and written or printed copies of such ordinance, by-law, or regulation shall, for at least five days, be posted up in not less than four public places in the town. The publication required by this section shall be made by the clerk of the town.

§ 51. The trustees shall receive no compensation for their official services.

§ 52. This act shall not affect or invalidate any act heretofore done by the trustees or any of the officers of said town,

nor divest any person of any right of property acquired or liability incurred prior to its passage.

§ 53. All other acts in relation to the town of Lagrange are hereby repealed.

§ 54. This act shall take effect and be in force from and after its passage.

Approved February 1, 1882.

## CHAPTER 118.

AN ACT to organize and establish a system of public schools in the city of Bowling Green for white children in said city.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Boundary. § 1. That all the territory embraced within the limits of the city of Bowling Green, or which may be hereafter embraced in said city, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees elected by the citizens of said city as hereinafter directed.

Style. § 2. The persons so elected shall constitute and be styled "The Board of Trustees of the Bowling Green Public Schools;" and by that name shall be a body-politic and corporate, and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate, and the title of all public school property in said district shall vest in said board, and their successors forever.

Trustees. § 3. The number of trustees for said district shall be six, and the first election under this act shall be held on the first Saturday in December, 1882, and the trustees then elected shall be divided by lot into three classes, to hold their offices for one, two, and three years respectively; that is, the two trustees who shall by lot be assigned to the first class, shall Election. hold their offices for one year, and their successors shall be elected on the first Saturday in December, 1883, and shall Terms. hold their offices for a term of three years from that time, and the two trustees who shall by lot be assigned to the second class shall hold their offices for two years, and their successors shall be elected on the first Saturday in December, 1884, and hold their offices for a term of three years, and the two trustees who shall by lot be assigned to the third class shall

hold their offices for three years, and their successors shall be elected on the first Saturday in December, 1885, and hold their offices for a term of three years. The trustees elected as herein directed shall hold their offices until their successors are elected and qualified, and are to qualify on the first Monday in January next succeeding their election; and if, at any time, there should be a vacancy in the board of trustees, the other members of the board shall fill said vacancy by appointment, and the person thus elected shall hold his office until the expiration of the term for which his predecessor was elected.

§ 4. Said trustees, before entering upon their duties, shall take an oath before the county judge or some justice of the peace to faithfully and impartially perform the duties required of them as trustees. Oath.

§ 5. The said board of trustees shall have power to fix the time and place of meeting; to make all by-laws and rules for the government of themselves and their appointees, and for the management, control, and government of the public schools, and shall cause to be kept a correct journal of their proceedings, which shall be open at all times to any citizen of Bowling Green. By-laws & rules.

§ 6. The mayor of the city of Bowling Green shall be *ex officio* chairman of said board of trustees, and shall preside at all meetings of said board, and perform such other duties as may be devolved upon him. He shall give the casting vote in all cases of a tie, but shall have no vote otherwise; and said board may appoint a secretary, prescribe his duties, and fix his compensation. Chairman. Secretary.

§ 7. The board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and prescribe all rules and regulations for their government, and fix their compensation or salaries, and may dismiss or suspend any teacher or other person appointed by them, prescribe the branches of education to be taught in the schools: *Provided*, That such branches shall not be higher or more advanced than the elements of a plain education in English, including grammar, arithmetic, geography, and history, or that commonly taught in primary and grammar schools; and said trustees shall have power to grade the schools and classes and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons applying for admission. Trustees' duties.

into the schools, and they shall also provide text-books for the children whose parents are unable to purchase them.

§ 8. All white children over six and under twenty years of age within said district shall have equal right of admission to said schools, free from all charges for admission or tuition; and it is provided that only white children shall be admitted to said schools.

§ 9. No books, tracts, papers, catechisms, or other publications of a sectarian, infidel, or denominational character, shall be used or distributed in said schools, nor shall any sectarian or infidel doctrine be taught therein.

Report. § 10. The board of trustees shall, at the end of each scholastic year, make out a report in writing, and cause the same to be published in pamphlet form, and if they deem necessary, published also in the Bowling Green newspapers, showing the number of pupils in each of the schools, and the condition and amount of property and funds belonging thereto, and such other facts and information as the cause of public education requires.

Trustees. § 11. The following named persons are hereby constituted and appointed trustees under this act, viz: J. A. Graham, A. J. Claypool, John M. Wilkins, J. A. Mitchell T. J. Smith, and J. E. Potter, with power to fill vacancies as herein provided, and serve until their successors are elected and qualified.

Funds. § 12. The board of councilmen of the city of Bowling Green shall provide the funds for purchasing suitable grounds and for building the school-house or houses, or for purchasing any grounds and buildings suitable for said school purposes, and for paying all the expenses of said schools; and to this end it shall be the duty of said board of councilmen and they are hereby authorized and empowered to issue the bonds of Bonds. the city of Bowling Green to such an amount as may be necessary to provide suitable grounds and school-houses; but such amount shall not exceed twenty-five thousand dollars; the said bonds may be of any denomination not exceeding one thousand dollars each, running not longer than twenty-five years, bearing interest at five per cent. per annum payable semi annually, and redeemable at any time after five years; said bonds in this section provided for shall be made payable to bearer; shall be signed by the mayor of said city and attested by the clerk thereof, and shall pass by delivery; and the board of councilmen of said city shall

cause an annual tax to be levied and collected upon the same property in said city as is taxed by the city for city purposes, and the assessments to be made at the same time and in the same manner as is required by law for city revenue, to an amount sufficient to pay the interest on said bonds and to create a fund for the payment of the principal of said bonds at or before maturity: *Provided*, That no property belonging to colored persons shall be subject to any taxation provided for in this act: *And provided further*, That the rate of taxation for the payment of the interest or principal of the bonds authorized herein shall not exceed ten cents on each one hundred dollars of property in any one year. The city assessor shall make the assessments necessary for fixing and collecting said taxes, under such rules and regulations as are prescribed for the assessment of other city taxes; said taxes shall be collected by the city collector at the same time and in the same manner as the city revenue is collected, and the officer so collecting said taxes shall, with his sureties upon his official bond, be responsible for the faithful discharge of his duties, with such penalties as are or may be prescribed for delinquencies. This tax shall be collected in money, and shall only be used in payment of the interest and principal of the bonds issued under this act: *Provided*, That the interest coupons upon any of said bonds, which coupons may be due, may be taken in payment of the tax for the interest on said bonds, and any of said bonds themselves, by consent of the board of councilmen, may be taken in payment of any debt due said city for municipal purposes: *Provided further*, That the said bonds shall not be issued until the question of their issue shall have been submitted by said board of councilmen to the qualified white voters of said city required to pay taxes under this act for said public schools; and if a majority of said tax-payers voting shall vote in favor of the issue of said bonds, then it shall be the duty of said board of councilmen to issue said bonds as aforesaid. It shall be the duty of said board of councilmen to submit the proposition for the issue of said bonds to said tax-payers, upon the written request of a majority of said trustees; and the proposition for such issuing may be submitted any number of times, notwithstanding a majority of said tax-payers may have previously voted against issuing said bonds; and said

Coupons.

bonds, when issued, shall be exempt from all taxation levied by said city.

Election notice.

§ 13. It shall be the duty of said board of councilmen, within thirty days after they shall have been requested by said board of trustees, in writing, as aforesaid, to enter upon the records or journal of said city council an order or minute designating a day, not later than thirty days from the date of said order, for holding said election for the purposes named in the preceding section, and setting forth distinctly the amount and description of the bonds proposed to be issued, and upon which the vote is to be taken. A certified copy of said order or minute shall be published in the Bowling Green newspapers for at least twenty days preceding said election, such publication to continue till the time of said election. Said election shall be held at the several voting places in said city, and be conducted in the same manner as is now provided by law in the election of the mayor of said city, except that the poll-books shall have two columns, and headed "for the bonds" and the other "against the bonds;" and the names of those voting to be recorded under the one or the other of such heads in accordance with the vote of each taxpayer who may vote. Said poll-books shall be examined, compared, and returned in the same manner as is now required by law in the election of mayor of said city; and if said election shall be decided in favor of the issuing of said bonds, the fact shall, at the next regular meeting of said board of councilmen, be entered upon the journal; and the board of trustees designated herein shall immediately qualify and proceed to discharge the duties of their office.

Tax.

§ 14. The board of councilmen for said city shall cause to be levied and collected an annual tax, at the rate of not exceeding twenty cents upon each one hundred dollars' worth of the same property that is taxed by the city for city purposes, the assessment and collection to be made at the same time and in the same manner as is required by law for the city revenue. This tax shall be called and known as the school tax, and only payable in money, and is to be used for the purpose of defraying the yearly expenses of the said public schools, including repairs upon school buildings and premises: *Provided*, That the property of colored persons shall not be taxed under this act.

§ 15. All funds arising from the sale of bonds under this act, and funds collected for the purpose of defraying the yearly expenses of said schools, shall go into the hands of the treasurer of said city, who shall be responsible therefor upon his official bond. Said treasurer shall pay out said funds for the purposes for which they were respectively raised only upon the written order of the secretary, and at least two other members of said board of trustees: *Provided*, The coupons due for the semi-annual interest on the bonds may be paid by the treasurer without such order. Treasurer.

§ 16. The board of councilmen of said city shall have power to levy a capitation tax not exceeding one dollar and fifty cents on each white male inhabitant of said city over twenty-one years of age, to be assessed and collected as other city taxes; and the amount realized, after deducting the costs and expenses of collection, shall go to the support of the schools, in addition to the ad valorem tax hereinbefore allowed. Capitation tax.

§ 17. Should the revenue provided for in this act for the support of the schools be more in any one year than shall be required for that year, the board of councilmen shall have the power to invest and use such surplus as in the opinion of said board may be for the best interest of the schools.

§ 18. The board of trustees may admit into said schools white children who are non-residents of said district, upon the payment of such charges as said board shall prescribe: *Provided*, The children of non-residents, who are qualified voters of the city, shall be admitted upon the same terms and subject to the same conditions as are required of resident voters. Non-residents.

§ 19. No person shall be allowed to vote at any election under this act who has not paid all taxes due from him to said city. Voters.

§ 20. The common school commissioner for Warren county shall pay over to said trustees, or a majority of them, the school funds to which said district may be entitled under the general school laws of the State, which funds shall be paid over as soon as received by said commissioner, and shall be used only in payment of salaries of teachers in said schools.

§ 21. The election for trustees of said schools shall be held and conducted, and the returns canvassed in the same manner, as is provided in the charter of said city for the election of mayor. Election.

Expenses. § 22. All expenses of assessing, levying, and collecting and disbursing funds and taxes raised under this act shall be paid out of such funds and taxes.

Submission to people. § 23. Before the said board of trustees shall purchase any real estate for school purposes, they shall submit the contract of purchase to the board of councilmen of said city for its ratification or rejection.

§ 24. No real estate shall be purchased for school purposes as authorized by this act in which any member of the board of trustees has any pecuniary interest whatever.

§ 25. This act shall take effect and be in force from and after its passage.

Approved February 2, 1882.

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#### CHAPTER 119.

AN ACT to amend an act establishing a new charter for the city of Louisville, approved March 3d, 1870.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the term of office of auditor of the city of Louisville is hereby extended to the first Tuesday in December, 1885, and that the term of office of said officer shall thereafter be four years.

§ 2. All acts or parts of acts in conflict or inconsistent with this act are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved February 2, 1882.

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#### CHAPTER 120.

AN ACT for the benefit of W. D. Taylor, of Fulton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasury in favor of W. D. Taylor, committee for Mary Short, of Fulton county, for the sum of sixty dollars and four cents.

§ 2. This act shall take effect from and after its passage.

Approved February 2, 1882.



CHAPTER 121.

AN ACT for the benefit of common school district No. 30, in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The boundary of the common school district of No. 30, Boundary.  
in Henry county, is hereby so enlarged as to include all persons, lands, buildings, and property within the circumference of a circle, the centre of which is the court-house, in the town of New Castle, in said county of Henry, the diameter thereof being four miles.

§ 2. The trustees of the Henry Male and Female College, Trustees.  
in said town, and their successors in office, shall be the trustees of said common school district; their president shall be the chairman.

§ 3. Said common school district shall be entitled to share Pro rata school fund.  
in the benefits of the common school fund of Kentucky as all of the other common school districts in said county.

§ 4. The trustees of said common school district may levy Tax.  
an annual tax for periods of five years each on all the property in said district owned by white persons or corporations, resident or non-resident therein, not to exceed annually the one fourth of one per cent. of the value of said property; before doing so they shall obtain the consent thereto of a majority of voters voting at an election held for the purpose aforesaid once in every period of five years.

§ 5. The time, place, and manner of holding said elections, Elections.  
and the mode of certifying the result thereof, shall be fixed, and the officers thereof appointed, by the trustees aforesaid; the result thereof shall be certified to said trustees, who shall cause said certificate to be spread at large on their minute-book. All questions as to the validity of said elections, as to the truth of the result certified, and as to the qualifications of the persons voting thereat, shall be determined by said trustees, or a majority of them, sitting as a court.

§ 6. Notice of the time and place of holding said elections Notice.  
shall be given by written or printed posters posted up at the court-house door in New Castle, and three other public places in the district, or by advertising the same in a newspaper printed in New Castle for at least two weeks immediately preceding each election.

Voters.

§ 7. Every white male of the age of twenty-one years or over that age, and every unmarried white female owning property taxable under this act, or who is the mother or guardian of children between the ages of six and twenty years residing in said district, shall be entitled to vote at said elections: *Provided*, Said male or female shall be resident in said district at the time he or she offers to vote.

Valuation.

§ 8. The lists of the taxable property in said district owned by white persons or corporations, as returned by the assessor of Henry county to the county court of said county in the year in which the tax is ordered by the trustees aforesaid to be levied, shall be taken and regarded as the true list of property and its true value subject to taxation under this act: *Provided*, That any property omitted in said lists may be, for the purposes of this act, listed and valued by the collector of taxes appointed by said trustees: *And provided further*, Said trustees may cause said property and its value to be listed by their collector aforesaid, in which event the lists and values so returned to them shall be by them revised, and such revised lists and values shall be taken and held as the true lists and values of said property subject to taxation under this act.

Collector's bond.

§ 9. The trustees of said district may appoint a collector of taxes levied by virtue hereof, and agree with him as to his compensation, and take from him a bond, with surety, conditioned for the faithful performance of his duty as collector aforesaid, and for the payment to their order of all moneys collected by virtue of any tax levied hereunder, or which could and ought to have been by him collected by virtue of any tax levied under the provisions of this act. Suit upon said bond may be commenced in the Henry circuit court in the name of the trustees of the Henry Male and Female College by any one damaged by any breach thereof, and such damages recovered therein as may be proper and right.

Duties.

§ 10. Said tax so levied shall be due when levied, and the collector aforesaid shall, immediately after said lists are put into his hands, proceed to collect said taxes, and upon failure by the persons or corporations bound therefor to pay the same, said collector may distrain the lands, goods, and chattels owned by or in the rightful possession of the persons or corporations from whom tax is due, notwithstanding the existence of any lien on the same, and may proceed to sell

the title, legal or equitable, in so much thereof as will pay the tax due, and all costs; but before doing so he must advertise the time, terms, and place of such sale for at least fifteen days immediately preceding the same, by written advertisements, posted up at the court-house door in New Castle, and three other public places in the district aforesaid; or he may collect such taxes in the mode provided by article nine, chapter ninety-two, of the General Statutes, for the collection of taxes due the State or county. Said collector is hereby invested with all the powers given by the laws of Kentucky to assessors and sheriffs for the purpose of assessing the property subject to taxation hereunder and collecting the taxes levied by virtue hereof.

§ 11. The word property, as used in this act, shall include personal property and real estate of every description, choses in action, bills, notes, and every other evidence of debt or property: *Provided*, That all property exempted by operation of law from the payment of State taxes shall be exempted from the payment of the tax levied by virtue of the provisions of this act. Property defined

§ 12. The taxes collected under this act shall be used for the maintenance of a school in which a collegiate course of studies shall be taught, under the direction of the trustees aforesaid, in the district aforesaid, and which shall be free to every white child between the ages of six and twenty years permanently residing in said district. Purposes.

§ 13. The provisions of the general common school law, as contained in the General Statutes and Acts of the General Assembly of Kentucky, shall apply to and be enforced in said district in all respects where not inconsistent with or repugnant to the provisions of this act.

§ 14. All laws of a general or special nature inconsistent with or repugnant to the provisions of this act are hereby repealed, in so far as they affect said district, and they shall not be enforced therein.

§ 15. This act shall be in force and effect from its passage.

Approved February 2, 1882.

## CHAPTER 122.

AN ACT to incorporate the Bourbon Mills Turnpike Road Company, and to authorize subscriptions of stock therein.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Style.

§ 1. That a company is hereby formed for the purpose of constructing a turnpike road on the McAdams plan, from a point in the Paris and North Middletown Turnpike Road, near the Bourbon Mills, in Bourbon county, to a point about four and one half miles from the city of Paris, in the Paris and Winchester Turnpike Road; said road to run the nearest or most practicable route between said points; and said company to be known as the "Bourbon Mills Turnpike Road Company;" and by that name shall be a body-politic and corporate, with power to sue and be sued, contract and be contracted with, plead and be impleaded.

Capital stock.

Subscription.

§ 2. The capital stock of said company shall be seven thousand and five hundred dollars, divided into shares of fifty dollars each. Subscriptions for stock in said company shall be opened at the Bourbon Mills, in Bourbon county, Kentucky, on or before January the 28th, 1882, or in a reasonable time thereafter.

Commissioners.

Obligation.

§ 3. That J. T. Woodford, A. H. Bedford, Ed. Spears, and E. F. Clay are hereby appointed commissioners to perform the duties of this act, and they shall procure suitable books in which the subscribers of stock in said company shall sign an obligation to the effect, viz: "We, whose names are hereunto subscribed, do respectively agree and promise to pay to the Bourbon Mills Turnpike Road Company the sum of fifty dollars for each share of stock set opposite our names, in such proportion, and at such time or times, as shall be directed by the board of directors of said company."

§ 4. When seventy-five shares of stock are subscribed, said commissioners, or a majority of them, shall notify the stockholders, by notices posted up at the Bourbon Mills, at the two toll-gates on the Paris and North Middletown pike, which are near Paris and Middletown, at the toll-gate on the Paris and Winchester Turnpike near Paris, and one at the court-house door in Paris, Kentucky, for two weeks in succession, that a meeting of the stockholders of said company will be held at such time and place as said commissioners shall designate in said notice, for the purpose of choosing officers;

and in the election of such officers each share-holder shall be entitled to one vote for each share of stock he may hold, and such share holder may vote in person or by proxy in writing.

Election of officers.

§ 5. The width of said road shall not exceed sixty feet, and the part covered with metal shall not be less than sixteen feet.

Width of road.

§ 6. The officers of said company shall consist of a president, four directors, and a treasurer; and said board shall keep a true record of their proceedings in a well-bound book, which book shall at all times be accessible to each and every share-holder for inspection, upon application therefor to said board; and they may, in their discretion, appoint one of their number as a secretary to keep said record.

Officers.

§ 7. The Bourbon county court may subscribe stock in said company, a majority of its justices being present and concurring therein, by an order directing its clerk to make said subscription; and when so made it shall be obligatory and binding upon said county for its payment; and to enable said court to pay said subscription, when made, said county court is hereby empowered to levy a tax on the land and other estate of the citizens of said county, subject to State revenue, not to exceed six cents on the one hundred dollars' worth of property in any one year; and said tax, when so levied, shall be collected by the sheriff of said county, and by him paid over to the county treasurer on or before the first day of the next January after its collection, succeeding the year in which the same is levied and to be paid; and the said county treasurer shall pay the same at such times and places, and in such manner and amounts, as shall be required of him by the president and directors of said company: *Provided*, That the dividends arising on the stock thus taken by said county court shall be applied, when collected, towards lessening the county levy.

County subscription.

Tax.

Duties of county treasurer.

Proviso.

§ 8. So soon as said company shall be organized, the president and directors shall possess and be invested with all the powers, authority, rights, and privileges of turnpike road companies under the laws of this Commonwealth; and may do all the acts necessary for letting, contracting, and completing said turnpike road; and shall be subject to all the duties and qualifications, restrictions, penalties, fines, and forfeitures as are given to and required of the Paris, Winchester

President's and directors' duties.

and Kentucky River Turnpike Road Company; and for that purpose sections 8, 9, 10, 11, 13, 16, 17, 19, 20, 21, and 22, of the act incorporating the Paris, Winchester and Kentucky River Turnpike Road Company, approved February 25, 1848, so far as not inconsistent with the provisions of this act, are hereby enacted and made a part of this charter.

§ 9. That the president and directors of said company shall locate said road upon the nearest and most practicable route, and shall fix the elevation and grade of said road in conformity to law.

Toll-gate.

§ 10. That said company shall have the power and authority to erect a toll-gate on said road, and to charge such tolls as provided by the general laws of this State.

Appropriations.

§ 11. The county court of claims of Bourbon county, at any regular or called term thereof, may, a majority of the justices of said county being present and concurring therein, appropriate any sum not exceeding four thousand dollars (\$4,000) for the purpose of aiding the Bourbon Mills Turnpike Road Company, a corporation created by act of this Assembly, in constructing a bridge over Stoner creek, at or near Spears' or the Bourbon Mills, in Bourbon county, on the line of said road; said appropriation to be made on such terms and conditions as may be agreed upon by said court and said corporation at the time when such appropriation is made. Such contract shall be entered upon the records of said court, and this shall be the sole evidence of the terms and conditions upon which such appropriation is made. Said court, at the time of making such appropriation, or at other called or regular term, shall provide for paying same, by levying a tax sufficient for that purpose upon the taxable property of said county, to be collected by the sheriff thereof, and paid over to its treasurer, who shall hold the same for the purpose aforesaid, to be paid out as the aforesaid court may direct.

§ 12. This act shall take effect from its passage.

Approved February 2, 1882.

## CHAPTER 123.

AN ACT declaring Laurel creek, in Lewis county, a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Laurel creek, a tributary of the Kinniconick, in

Lewis county, be, and the same is hereby, declared a navigable stream. And that it shall be unlawful to build any dam of a greater height than four feet on said stream below the mouth of Grassy, a tributary of same.

§ 2. This act to have force and effect after its passage.

Approved February 2, 1882.

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CHAPTER 124.

AN ACT for the benefit of R. H. Arnold.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to R. H. Arnold, for services rendered in the opening of the Senate, the sum of twenty-five dollars.

§ 2. This act shall take effect from and after its passage.

Approved February 2, 1882.

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CHAPTER 125.

AN ACT to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Winchester.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the prudential, fiscal, and municipal powers of Winchester shall be vested in a municipal board, to be known and styled the "board of councilmen of Winchester." Said board is to consist of a mayor and seven councilmen, said councilmen to be elected on the first Friday in February in every four years, and to hold their respective offices for four years, or until their successors are elected and qualified.

Municipal powers vested in board of councilmen; of whom to consist, and when elected.

§ 2. That the town of Winchester shall be laid off into five wards as follows, to-wit: Ward No. 1: Beginning with the intersection of Main and Main-Cross streets; thence south with the center of Main street to the town limits; thence with the boundary of the town to the Muddy Creek Turnpike; thence with the center of said pike to Highland street; thence with the center of Highland street to Main-Cross street; thence with the center of Main-Cross street to the beginning. Ward No. 2: Beginning with the intersection of

Town laid off into five wards.

Main-Cross street with Highland street; thence with the center of Highland street to the Muddy Creek Turnpike; thence with the center of said pike to the town limits; thence with the boundary of said town to the center of the Elizabethtown, Lexington and Big Sandy Railroad; thence with the center of said railroad to the center of Highland street; thence with the center of Highland street to Washington street; thence west with the center of Washington street to the intersection of an alley east of the property of E. M. Combs, and east of and parallel with Main street; thence south with the center of said alley to Main-Cross street; thence east with the center of Main-Cross street to Highland street at the beginning. Ward No. 3: Beginning with the intersection of Main-Cross street and an alley between and parallel with Main and Highland streets; thence north with the center of said alley to Washington street; thence with the center of Washington street east to Highland street; thence with the center of Highland street north to the Elizabethtown, Lexington and Big Sandy Railroad; thence east with the center of said railroad to the town limits; thence with the boundary of said town to the Paris Turnpike; thence with the center of said turnpike to the center of the Elizabethtown, Lexington and Big Sandy Railroad; thence with the center of said railroad to the alley between Main and Water streets; thence with the center of said alley to Main-Cross street; thence with the center of Main-Cross street east to the beginning. Ward No. 4: Beginning at the town limits on the Paris Turnpike; thence with the center of said turnpike to the Elizabethtown, Lexington and Big Sandy Railroad; thence with the center of said railroad to the alley between Main and Water streets; thence with the center of said alley to Main-Cross street; thence with the center of Main-Cross street to the alley parallel with Water street and west of said Water street; thence with the center of said alley to the northern boundary of Geo. Pichter's property; thence with a straight line to the corner of the property of S. Grant Jackson or Mrs. S. Grant Jackson and L. M. Green; thence with the eastern boundary of said Green's property to the Elizabethtown, Lexington and Big Sandy Railroad; thence with the center of said railroad westwardly to the town limits; thence with the boundary of the town to the Paris pike at the beginning. Ward No. 5: Beginning at the intersection of Main and Main-Cross streets;



thence south with the center of Main street to the town limits; thence with the boundary of the town to the Elizabeth-town, Lexington and Big Sandy Railroad; thence with the center of said railroad to the intersection with ward No. 4; thence south with the line of ward No. 4 to the corner of the property of said Jackson and Green; thence with a straight line to the northern boundary of George Pichter's property, and the center of the alley parallel with Water street and west of said street; thence with the center of said alley to Main-Cross street; thence with the center of Main-Cross street to the center of Main street at the beginning. Ward No. 1 shall be entitled to two councilmen; ward No. 2 shall be entitled to one councilman; ward No. 3 shall be entitled to one councilman; ward No. 4 shall be entitled to one councilman; ward No. 5 shall be entitled to two councilmen, and no ward shall elect more than is herein assigned to it. Each councilman shall be a resident and freeholder in the ward in which he is elected, and shall own in his own right real estate, the taxable value of which is not less than two thousand dollars. The mayor of the town shall be a resident of and a freeholder therein. The elections of councilmen shall be held in the court-house in Winchester, wards Nos. 4 and 5 voting at the present voting place of Winchester precinct, and wards Nos. 1, 2, and 3 voting at the present voting place of Blue Ball precinct.

Number of councilmen to which each ward is entitled.

Qualifications of mayor.

§ 3. Each body of councilmen elected as herein provided shall, within ten days after their election, elect a mayor for said town, who shall hold his office four years from the time of his election, or until his successor is elected and qualified. He shall preside at all meetings of the board of councilmen, and in case of a tie shall have a casting vote. He may call meetings of the board when, in his opinion, the interest of the town demands it, or a majority of the board of councilmen requires it; and it shall be his further duty to see that ordinances, rules, regulations, and laws of the said town are duly executed.

Election of mayor by councilmen

Mayor to preside at meetings of board.

May call meetings.

§ 4. The mayor and board of councilmen, before they enter upon the duties of their respective offices, shall take an oath before some qualified to administer the same, that they and each of them will faithfully and without partiality, fear, or affection to any one, their and each of their duties as such officer during continuance in office.

Mayor and councilmen to take oath.

Board to be body-politic, and corporate powers

Vested with rights of former trustees.

§ 5. That the said board and their successors shall be a body-politic and corporate, and shall be known by the name and style of "The Board of Councilmen of Winchester," and by that name shall be capable in law of contracting and being contracted with, suing and being suing, pleading and being impleaded, answering and being answered, and of defending and being defended in all courts and places, and to do all acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and right-fully do; and the said body-corporate, under the said name and style, are hereby fully invested with all claim, right, title, and interest in and to all rights of action, assets, and claims claimed by or for the former trustees of Winchester; and the title to all real estate now held and owned by the trustees of Winchester is hereby vested in the mayor and board of councilmen as their successors in office, to be held and disposed of as hereinafter directed.

Board may sell and dispose of property.

§ 6. *First.* That the said board of councilmen, or a majority of them, can have power to sell and dispose of such property or lots as they may have the title to, and provide for the re-investment of the funds arising therefrom for the benefit of the said town: *Provided,* That no such sale shall be made as will interfere with the vested rights of the inhabitants of said town.

Make & receive conveyances.

*Second.* They shall have power to make or receive any and all necessary conveyances in relation to said town.

Open and improve streets.

*Third.* They shall have the power to open, lengthen, straighten, alter, and improve the streets, alleys, and sidewalks in said town in such manner as they may deem most beneficial to the interests thereof.

Make regulations in regard to contagious diseases.

*Fourth.* To make regulations to prevent the introduction or spread of contagious diseases in the town; to pass quarantine laws for that purpose, and to enforce the same within two miles of the boundaries of said town.

Establish hospital and pest-houses.

*Fifth.* To establish a hospital and pest-house whenever necessary, and to make and enforce all needful regulations for the government thereof, and to make all needful rules and regulations they may deem necessary to secure the general health of the inhabitants of the town, under such penalties as they may see fit to impose under the restrictions hereinafter to be set forth.

*Sixth.* They shall have power to declare what are nuisances, and to prevent, abate, or remove the same at the cost and expense of the owner or occupier of premises whereon the said nuisance may exist, and to punish by fine or improvement, or both, any person who may cause, keep, erect, permit, or commit a nuisance; and jurisdiction in such cases is invested in the police judge of Winchester.

Declare what are nuisances.

*Seventh.* To suppress gaming, drunkenness, gambling-houses and disorderly houses of all kinds, under such penalties as prescribed by the laws of the State and this charter, full jurisdiction being given to the police judge of Winchester.

Suppress gaming, &c.

*Eighth.* They shall have full power to regulate the storage of gunpowder, coal oil, alcohol, and other combustible materials, and cause the same to be kept or stored at such place or places, and in such manner as they may deem prudent and fit, under the penalty of not exceeding fifty dollars for each violation of such law; and the police judge of Winchester shall have full jurisdiction thereof.

Regulate storage of powder, &c.

*Ninth.* To provide for the security and safety of the town against fire, they may organize a fire company, defining the duties of the members thereof, and provide for its efficiency by punishing by fine all those who shall fail to perform the duties required.

Provide against fire.

*Tenth.* To appoint a treasurer as custodian of the funds of said town, whether arising from taxation, sales, fines or otherwise, and a clerk of the board of councilmen; and they shall require of them bonds, with security to be approved by the mayor, payable to the board of councilmen and their successors in office, in such a penalty as said board may direct, conditioned for the faithful discharge of their respective duties; and for a violation of the conditions of such bonds or the duties of such officers, suits may be brought and motions made before the police judge of Winchester, who shall have exclusive jurisdiction thereof, in the same manner and under the same rules and regulations that suits are brought and motions made against other officers for failure of duty.

Appoint a treasurer, &c.

*Eleventh.* They shall have power to levy and collect an ad valorem tax on the property in said town, including real, personal, or mixed, and which the citizens are required to give in for State taxation, including that under the equalization laws, not exceeding seventy-five cents on the one hundred dollars in any one year, and a poll-tax on each qualified

Levy and collect taxes; how collected.

voter not exceeding two dollars and fifty cents. For any tax to be levied under this law, there shall exist a lien in favor of the board of councilmen upon the property of the tax-payer until the same is paid; and in case the owners of property shall fail to pay their taxes on or before the first day of September in each year, it shall be the duty of the town collector of taxes to sell at the court-house door in said town, on some court day thereafter, so much of the real, personal, or mixed estate of the person in default as will pay off and discharge the taxes of such defaulter due to said board of councilmen, and which shall vest the purchaser with the title and right to hold the same: *Provided, however,* That the owner of the real estate so sold may, within one year from the date of sale, redeem such estate by paying to the purchaser thereof, or to the clerk of the board, such purchase-money and twenty per cent. thereon; but if he fails to redeem said real estate as hereinbefore set forth within one year, the said board of councilmen shall cause the mayor to convey by deed to the purchaser the estate so purchased under his own hand and official title, and said deed shall vest the full fee-simple title in the purchaser. Said sale shall be made under the direction of the board and notice by the marshal of Winchester, after the delinquent has failed to comply with this law and the regulations made thereunder.

Repair and keep  
in order public  
wells.

Have control of  
burying grounds.

*Twelfth.* They shall have power to repair and keep in order the public wells and springs of said town at the common expense. They shall have entire control of the burying-ground, and they are hereby authorized to purchase other grounds for a grave-yard or cemetery, and take the title to the board of councilmen of Winchester, which title shall continue in them and in their successors; and the board of councilmen of said town shall have power to dispose of any public burying-ground to which the trustees of said town may now have title, or to which they succeed as their successors in office as councilmen, after giving four weeks' notice thereof, by advertising the date and place of sale thereof, in any paper published in Winchester, or by printed advertisement in four or more of the most public places in said town: *Provided,* That the said board of councilmen, or the purchaser of said burying-ground, will re-inter the bodies of the persons now buried therein in the cemetery or other place of inter-

ment at their expense, as the contract they may enter into may require.

*Thirteenth.* The board of councilmen of said town shall have power to require the owners of real estate in said town to repair and keep in repair the sidewalks in said town in front of or binding on their real estate in said town; and if the owner of any real estate in said town shall fail to repair the sidewalks in front of or binding on their real estate in said town for forty days after the owner or occupant of said real estate shall have been notified by the board of council, then the board of council shall have power to cause said sidewalks to be made and repaired as aforesaid at their own expense; and may sue the owner of the property whose duty it was to repair and keep the same in repair, and recover the amount so expended by them in repairing the same, and ten per cent. thereon, and costs of suit, in any court of competent jurisdiction; and they may have all the remedies to recover the same that any other creditor has to recover, and coerce all debts due him; and in all cases under this section the police judge of Winchester shall have full jurisdiction.

May require owners of property to keep in repair sidewalks, and proceedings in case of failure

*Fourteenth.* The board of council of said town shall have the right to tax, and the exclusive right to control all taverns, groceries, victualers, confectioneries, retailers of spirituous liquors, alleys for nine or ten-pins, and all other houses of public resort in said town, and fix a tax therefor in a sum not exceeding one hundred and fifty dollars per annum, and to discontinue said licenses at pleasure: *Provided, however,* That the clerk shall pay to the trustee of the jury fund for said county the sum of ten dollars for each tavern license in said town each year; and any law giving the county court of said county authority to license taverns in said town is hereby repealed; but the license which any tavern-keeper has obtained shall be good until the time shall have expired for which he obtained it: *And provided further,* That nothing in this section shall be so construed as to authorize the board of council to prohibit the sale of spirituous liquors by merchants as now authorized by law; and no license by said board for the keeping of taverns, groceries, victualers, confectioneries, establishments for retailing of liquors, alleys for nine or ten-pins, or any public house, shall authorize the person to whom license may be granted to sell spirituous liquors before such person shall obtain a license from the clerk of the

Tax taverns groceries, &c.

Clark county court authorizing such sale for the period of one year, nor shall the owner of a nine or ten-pin alley use the same for profit, by virtue of such license from the said board of councilmen, until such owner shall obtain a license from said clerk authorizing the use of said nine or ten-pin alley for one year, which license the said clerk shall issue upon the payment by such owner of fifteen dollars; and upon the payment by such holder of the license for the sale of spirituous liquors of the sum of ten dollars, which sum so received by said clerk he shall pay to the trustee of the jury fund.

May borrow  
money for mu-  
nicipal purposes.

*Fifteenth.* The board of councilmen of said town, and their successors in office, shall have power to contract debts, by borrowing money or otherwise, for municipal purposes, to be used within said town, in any sum not exceeding one thousand dollars, and to give their corporate obligations to pay the same, which shall be enforceable as other similar corporate obligations, never, however, to bear a greater rate of interest than ten per cent.: *Provided, however,* That whenever said board shall desire to create a debt, or borrow money in any amount exceeding one thousand dollars, they shall have such power by submitting it to a vote of the qualified voters of said town; and if a majority of those voting shall direct such loan to be created or debt incurred, then the board of councilmen are authorized to act; and to ascertain the will of the voters, a poll may be opened in the same way as if for the election of mayor and board of councilmen, and under similar notice.

May appoint po-  
licemen; their  
powers.

*Sixteenth.* The board of councilmen shall have power to appoint four policemen, which number may be increased as the exigency of the case may require, who shall have the same power to arrest and apprehend violators of the penal and criminal law, and laws relating to the town of Winchester and town ordinances, that sheriffs or constables have.

Erect station-  
house, work-  
house, &c.

*Seventeenth.* The mayor and board of councilmen shall have power, upon lands now provided, or such as may hereafter be provided, within or without the town limits, to erect a suitable building or buildings for a police station-house and for a work-house; and in the police station-house shall be held and confined all persons arrested for any violation of any of the ordinances of said town until his or her case is finally tried before the police court of said town, or other court author-

And who may  
be confined in  
the same.

ized to try such cases, unless such party so arrested shall give bail before said court in such sum as the court may direct for his or her appearance and trial in said court; and in the town work-house shall be confined all persons committed on final process of the police court of Winchester; all beggars, vagrants, bawds, and bawdy-house keepers; all persons committed in default of bail, upon orders of said police court or any magistrate in said town, or the county judge, requiring surety for the peace or good behavior, or as suspected felons, or for other causes; and those put therein for short terms of imprisonment, for offenses committed in said town, by said court on *capias pro fines*, shall have liberty to work out the sums they are charged to pay, including costs, at not less than fifty cents per day, the price to be regulated by ordinance of said mayor and board of councilmen, at such labor therein as they may be directed to do; but all able-bodied persons put into said work-house for any of the causes aforesaid by said courts shall be compelled to labor at such labor as may be prescribed by ordinance of the mayor and board of council of said town until discharged; and the mayor and board of council of said town shall have power to pass all ordinances for the police government and management of said police station and work-house. Said mayor and board of council may have power to compel any able-bodied person confined in said work-house to work under the superintendence of the marshal or other person appointed by them on any of the streets or alleys or public grounds of said town, and allow the same rate per day for their labor as allowed for work in the work-house. Nothing herein is to preclude the party convicted from replevying the fine and costs assessed against him or her.

May compel persons confined in work-house to work on streets, &c.

*Eighteenth.* The board of councilmen shall have power to license auctioneers within the limits of said town, and for such license they may impose a tax, not to exceed ten dollars per annum, on such auctioneer. They shall have power to impose a tax, not to exceed twenty dollars for the first day and ten dollars for each subsequent day, upon all peddlers, itinerant or other merchants temporarily auctioneering or selling goods in Winchester.

May license auctioneers.

*Nineteenth.* They shall have power to impose a tax on all domestic animals running at large in said town.

May tax domestic animals running at large.

Clerk to keep  
record of pro-  
ceedings of board

§ 7. *First.* It shall be the duty of the clerk of the board to make at each meeting a full and complete record of their acts and doings, and record the same in a book kept for that purpose; and each law, regulation, or ordinance passed by said board shall be spread at large by him on said record, and he shall furnish a copy thereof for publication in such a manner as the board may direct.

To make copy of  
assessor's book.

*Second.* It shall be the further duty of said clerk to make and deliver a copy of the assessor's book to the collector of taxes of said town, and take his receipt for the same.

To issue license.

*Third.* It shall be his duty to issue such licenses as are authorized by this act, and collect the price thereof, which he will pay over to the treasurer of the town, and make due report thereof to the board of councilmen at the next meeting thereof.

Treasurer to keep  
an account of all  
money received  
by him.

§ 8. *First.* It shall be the duty of the treasurer to keep a true and faithful account of all money received and paid out by him, and he shall render an account of the same to the board of councilmen whenever required by them so to do.

And make public  
expose of the  
same annually.

*Second.* The treasurer every year, before the election of mayor and councilmen comes on, shall make a public expose of the financial condition of said town, and therein exhibit the receipts and expenditures for the last fiscal year.

Assessor to be  
appointed, and  
his duties and  
powers.

§ 9. The board of councilmen of said town shall annually appoint one town assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each separately the amount of his, her, or their whole estate within said town subject to taxation under the laws of this Commonwealth, or any ordinance of said town, which lists shall be taken in the same manner that the revenue list are now or may hereafter be taken: *Provided, however,* That the tax-payer shall have the right to appeal from said assessment to a board of commissioners of taxation to be appointed by the judge of the police court at each June term of said court, and to hold their offices for one year. Said commissioners shall be freeholders in said town, voters, and discreet men, not less than three nor more than five in number, and they shall have full power to alter, change, and revise all assessments made by the assessor of said town, on good and sufficient cause shown, and their decision shall be final. Such appeal, however, must in all cases be made within sixty days after the assessment.



§ 10. The board of councilmen shall elect an attorney for said board and police court, whose duty it shall be to give legal advice to the board when called upon, to prosecute all persons in said court charged with a violation of the criminal and penal laws of said town, and of the by-laws and ordinances of said town, institute proceedings for the enforcement and forfeiture of recognizances and bail-bonds, and the enforcement and collection of all judgments against offenders, and for his services in every case he shall be entitled to as his fee the sum of \$2.00 : *Provided, however,* That in all jury trials, where the said attorney does not receive a part of the fine, there shall be taxed a fee of \$2.50 against the defendant, if convicted.

Attorney to be elected, and his duties.

§ 11. That the mayor and board of councilmen shall, within ten days after their election, elect a marshal for the said town, who shall hold his office for the term of two years, or until his successor is elected and qualified; and whenever a vacancy occurs in said office shall be filled for the remainder of the term by appointment of the mayor and board of councilmen. The marshal, before entering on the duties of his office, shall give bond payable to the board of councilmen, with security to be approved by the mayor, that he will well and faithfully perform the duties of his office, and will pay over and account for all money collected by him upon execution, warrant, fee-bill, account or other things placed in his hands for collection, under the penalties and condition of like bonds given by constables and sheriffs for the performance of their duties. It shall be the duty of the marshal to serve all process, precepts, notices, and other things directly out of any court of this Commonwealth, and make due return thereof, and he shall have the same power in the service thereof that constables now have under the laws of the State. It shall be his duty to collect all executions and other demands which may be put in his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required of constables in the collection of executions or other demands; and for failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against a constable in similar cases. He shall collect the taxes and revenue of said town, and shall

Marshal to be elected; his powers and duties.

give bond, with security to be approved by the mayor, for the faithful discharge of their duty, in addition to the bond given for the discharge of the other duties of his office; and he shall account for and pay over the same under the same rules and regulations required of sheriffs in the collection of taxes; and for his failure to do so, shall be subject to the same proceedings and penalties which may be had against the sheriff in similar cases. He shall be entitled to the same fees for collection the town tax and levy that sheriffs have for collecting the State tax, the county levy, and all other cases shall be allowed to charge and receive the same fees allowed constables in similar cases. Said marshal shall be vested with all power and authority which is given to constables, and he shall have power, if need be, to summon all aid of the county in executing any process to him directed; and any person failing to aid him when so summoned, may be fined not exceeding five dollars or imprisoned not exceeding eight hours by the police judge or any justice of the peace of said county. The town marshal, policeman, and lawfully appointed night watch of said town, shall have the same power to arrest felons, accused and disorderly persons within the limits of said town, that is now given by law to the police officers of the city of Louisville. The marshal of said town may, by and with the consent of the board of councilmen, appoint one or more deputies, who shall take such oath as they may prescribe, and for their official acts the marshal shall be responsible under the same rules and regulations that sheriffs are now responsible for the acts of their deputies. For his *ex officio* services, the said town marshal may be allowed an amount not exceeding three hundred dollars per annum out of any fund in the town treasury not otherwise appropriated. That said marshal and his deputies may be removed by the mayor and board of councilmen for cause.

Police judge to be elected; his powers and duties.

§ 12. That the mayor and councilmen of said town shall, within ten days after their election, and every four years thereafter, elect a judicial officer, to be styled the police judge of Winchester, who shall hold his office for the term of four years, and whenever a vacancy occurs in said office, by death or otherwise, it shall be filled by an election for the remainder of the term by the mayor and board of councilmen; that the police judge shall receive a commission as such from the Governor of Kentucky upon his receiving from the officers

of election a certificate of his election, and the same shall be filed with the clerk of the Clark county court for record; that before he enters upon the duties of his office, the police judge shall take an oath before some judicial officer to discharge the duties of his office faithfully and impartially, without favor or affection, to the best of his ability, together with such other oaths as are usually required of public officers, or such as the by-laws of said town may require. The said police judge shall have jurisdiction in said town in the town precinct of all civil causes of which justices of the peace have or may hereafter have jurisdiction, and of such other civil cases as may be returned before him, whether such cases be in said town or anywhere else in the county. In all criminal cases the said police judge shall have the jurisdiction as the court of inquiry now or hereafter given by law to two justices of the peace of said county. He shall proceed in like manner as said justices are required by law in criminal cases. The police judge shall have jurisdiction of all cases of motion and suits against the treasurer, marshal, deputy marshal, clerk, or other officers of said town, for all sums of money or other things which may be due from them or either of them. He shall have full power and authority to grant injunctions, attachments, restraining orders, writs of *ne exeat*, *habeas corpus*, and to issue warrants in civil or criminal cases, under the same rules and regulations prescribed by the several acts authorizing justices of the peace or the county judge to grant injunctions, attachments, restraining orders, writs of *ne exeat*, and *habeas corpus*, and to issue warrants; and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to issue summons for witnesses to give evidence in causes pending before him, or to give their depositions; and upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison for contempt, provided the fine shall not exceed five dollars and the imprisonment eight hours. He shall have power to take depositions, and certify the same as justices of the peace now have, and his certificate to such depositions shall have the same effect as though made by a justice of the peace. He shall have power to order the marshal to summon a jury in any case cognizable before him when a jury

Fees of police  
judge.

would be necessary before a circuit court or a justice of the peace. He shall have a jury to try all matters before him if desired by either party, if the amount in controversy is more than sixteen dollars. Said judge shall have power and authority to direct his process to be executed by any constable or the sheriff of Clark county, as well as by the marshal of said town. The police judge shall be entitled to the following fees, to-wit: For issuing a peace or other warrants, fifty cents; for swearing a jury, and presiding over it in any case except breaches of the peace and forcible entry and detainer, one dollar and fifty cents; for presiding at a trial for all breaches of the peace or misdemeanors, to be taxed against the defendant, if found guilty, and for swearing a jury and superintending a trial of a writ of forcible entry and detainer, two dollars; for presiding at any examining court, to be paid out of the treasury, two dollars per day; for taking recognizance to keep the peace, one dollar, to be paid by the applicant, and taxed as cost against the defendant; for taking recognizance in court, thirty cents; for taking depositions, same fees allowed examiners; for granting an injunction, attachment, or restraining order, a writ of *ne exeat*, each fifty cents; for each bond and oath to sureties, and certificate thereof, fifty cents; for each order of injunction, for each copy thereof, twenty-five cents; for each order of attachment, fifty cents; for each copy thereof, twenty-five cents; for each summons in ordinary or equity, fifty cents; for each copy thereof, twenty-five cents; for each order of delivery, fifty cents; for each thereof, twenty-five cents; for each subpoena, twenty-five cents; for each *subpoena duces tecum*, fifty cents; for each distress warrant for rent, fifty cents; for each execution, including indorsements and returns thereof, to be charged when issued, sixty cents; for a copy of any execution, thirty cents; for issuing a summons for a garnishee, fifty cents; for each warrant of arrest for witness or witnesses, twenty-five cents; for docketing a cause at each term, ten cents; for rendering a judgment, twenty-five cents; for recording an original judgment without a jury, twenty-five cents; for each copy of a judgment, twenty-five cents; for each order in court in any action, twenty-five cents; for each copy thereof, twenty cents; for taxing costs for each party or parties at each term when judgment for costs is rendered, or on final judgment, twenty cents; for a copy of

each order of arrest in ordinary or equity, twenty-five cents; for entering and giving a post note of any estray, affidavit, certifying, &c., fifty cents; for any order or commitment in any case, fifty cents; for all services for which fees are not specially allowed herein, the police judge shall be allowed to charge and receive the same now allowed by law, and all other fees of said judge shall be the same as allowed by law to justices of the peace for like services.

§ 13. That when said police judge fails to attend any of his regular courts for the trial of civil actions in it, it shall be lawful for the nearest justice of the peace, or the mayor of said town, to hold said court, and render judgments for him, which shall be entered upon his record as though rendered by himself, and executions issue thereon accordingly.

Who to act in absence of police judge.

§ 14. Either party to any judgment rendered by said police judge may appeal to the circuit court under the same rules and regulations authorizing appeals from justices of the peace to that court.

Appeals may be had from police court.

§ 15. On all judgments in criminal, penal, and civil cases in said court, and for a breach of the by-laws and ordinances of said town, the same writs of *feri facias* and *capias pro fines* shall issue as are by law allowed for the collection and enforcement of similar judgments in circuit and quarterly courts.

Writs of fi. fa.

§ 16. Any of the officers aforesaid who shall fail, neglect, or refuse to execute any warrant, summons, and process, make due return of the same, shall be fined not less than twenty dollars, upon the motion in said court of the town attorney, or of any party aggrieved, upon ten days' notice having been given to the said officer.

Penalty for failure of officers to perform duties.

§ 17. Any officer who shall fail to collect any writ of *feri facias*, or execute any *capias pro fine* issued from the police court, and make due return thereof according to law, shall, with his securities, be subject to all the damages and penalties now imposed by law upon sheriffs for failing to collect, return, and pay over, when collected, on writs of *feri facias* and *capias pro fines*.

Penalty for failing to collect writs of fi. fa., etc.

§ 18. A return of not found upon a *capias pro fine*, or of no property found, in whole or in part, or on a *feri facias*, issued on any judgment in said police court, shall authorize any attachment out of chancery in favor of the Commonwealth or board of councilmen of Winchester, or other plaintiffs against

Who to authorize an attachment

the choses in action and other effects of the defendant or defendants, in same manner that the return of no property in chancery or judgments rendered in a circuit court.

**Penalty for drunkenness** § 19. If any person shall be drunk in the limits of said town, and disorderly on the streets or alleys thereof, shall be fined five dollars.

**Penalty for disturbing religious worship.** § 20. If any person shall willfully interrupt or disturb a congregation assembled in or at any place of or for religious worship, or misuse or maltreat any person being there, or shall disturb or interrupt any lawful assembly or school, or school exhibition, he shall be fined in a sum not less than five nor more than fifty dollars or imprisoned not less than five nor more than twenty days, or both so fined and imprisoned, at the discretion of the jury.

**Penalty for selling or giving liquor to minors.** § 21. If any person shall sell, loan, or give any spirituous liquors, or mixture of the same, to any minors, without the previous written consent of the father, mother, or guardian, attested by two witnesses, or shall suffer or permit any minor to have or drink any spirituous liquors, or mixture of the same, on his premises, or premises under his control, he shall be fined the sum of thirty dollars; and if he be a vendor of ardent spirits by license, he shall be fined sixty dollars.

**Police to arrest disorderly persons.** § 22. It shall be the duty of all policemen and peace officers to arrest all disorderly or drunken persons, and take them before the police court to be dealt with according to law: *Provided*, That when any drunken or disorderly person is arrested in the night time, the officer making the arrest may commit him to the county jail or work-house, or watch-house, until the next morning, when he shall be carried before the police judge or court, to be dealt with according to law; and the jailer of Clark county is hereby directed to receive such persons when arrested and in custody of such officer in the night time without any order of commitment.

**Prosecutions to be in name of Commonwealth.** § 23. That when any prosecution is instituted for a breach of any of the ordinances or by-laws of said town, the prosecution shall issue in the name of the Commonwealth, for the use and benefit of the board of councilmen of Winchester, and said town shall be entitled to the fine or penalty recorded; and in case the defendant or defendants are acquitted, said town shall be liable to the officers for the costs.

**Fines, etc., to be paid to town treasurer.** § 24. That all the fines and forfeitures for a violation of said ordinances or by-laws of said town, and in all cases cog-

mizable before said police judge, shall be collected and paid to the treasurer of said town for the use and benefit of said town; and all moneys collected by judgments of justices of the peace for a violation of any of the ordinances or by-laws of said town shall, in like manner, be paid over to the treasurer.

§ 25. No money shall be drawn from the treasury except by order of the mayor in pursuance of allowance made by said board of councilmen.

How money drawn from treasurer.

§ 26. The officer executing any process requiring bail shall have authority to take the bail.

Who to take bail.

§ 27. That at all elections held for the election of officers for the town of Winchester, the voters of said town shall consist of male citizens of said town who are twenty-one years, and who have been bona fide citizens thereof twelve months preceding the election, and also by the male citizens of the age of twenty-one years who may live without the limits of said town, but within the limits of the voting precincts in which the town of Winchester is situate, and who shall be the owners of real estate within the limits of said town, subject to taxation under the general law.

Who to vote for officers.

§ 28. That until the work-house herein provided for is erected and prepared for their reception, all persons, upon their trial and conviction in the police court of any crime or offense, shall be committed to jail until the fine and costs are paid or replevied: *Provided*, That the imprisonment shall not be longer than at the rate of twenty-four hours for each two dollars of said fine and costs: *And provided further*, That a writ of *fieri facias* may be issued at any time thereafter against the estate of the defendant or defendants for the amount of the fine and costs until the same are satisfied.

Persons may be committed to jail until work-house erected.

§ 29. That the police judge of said town, ten days before an election of councilmen, shall cause printed or written notices of said election to be posted, one at the court-house door, and at five or more prominent places in said town, and shall, ten days before said election, appoint two competent persons to act as judges, and one to act as clerk at each voting place at which an election is to be held, who, after being duly sworn before a justice of the peace or police judge, shall hold said election as hereinbefore provided: *Provided*, That if said police judge should fail to appoint judges and clerks of election as before named, the

Officers of election to be appointed.

county judge of Clark county shall, on application of any person, appoint judges and clerks to hold said election: *Provided further*, That the first election of councilmen hereunder shall take place February the 3d, 1882, without any other or further notice of said election than that already given of an election to be held on that day; and it is hereby made the duty of the judge of the Clark county court to appoint the officers of said election, in the same manner as is provided herein, in case the police judge had failed to make said appointment.

Present officers  
to continue until  
others elected

§ 30. That the present officers of said town shall continue in office and perform all the duties required until their successors are elected and qualified by law.

Acts of former  
officers legalized.

§ 31. That all the acts and doings of the former and present police judges and marshals of said town that are not in conflict with the Constitution and laws of this Commonwealth are hereby legalized and made binding as though said police judges and marshals had been elected at the times required by the Constitution.

Digest of ordi-  
nances and by-  
laws to be made.

§ 32. That there shall be a digest of the ordinances and by-laws of said town, which are of a general nature, published within three months after the passage of this act, and a like digest within every three years thereafter, which shall be printed in one of the town newspapers, or printed and posted in five of the most public places of said town.

General laws  
made applicable.

§ 33. That all general laws relating to towns and police courts, and not inconsistent with the provisions of this act, shall apply to the town of Winchester.

§ 34. That an act, entitled "An act to define the corporate limits of the town of Winchester," approved January 25th, 1878, be, and it is hereby, repealed, and the bounds of said town as they existed prior to the passage of said act are hereby restored.

§ 35. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 36. That this act shall take effect from and after its passage.

Approved February 2, 1882.



## CHAPTER 126.

AN ACT to incorporate the Lexington City Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That S. L. Wooldridge, Alex. Pearson, B. R. Hutchcraft, J. H. Hopson, and J. E. Keller, and their successors, be, and they are hereby, created a body-corporate and politic, under the name and style of the Lexington City Railway Company, and under that name shall have perpetual succession, with all the powers incident to corporations for the purposes hereinafter mentioned, and may acquire and hold such real and personal estate as they may deem necessary in the prosecution of their business, and sell and convey the same at pleasure.

§ 2. The business of said corporation shall be to construct, maintain, and operate a street horse railway, with all necessary tracks for turn outs, side-tracks, and turn-tables in the city of Lexington, and in, on, over, and along the following streets, to-wit: Mulberry, Broadway, Georgetown, Winchester or Third, Main, and such other streets and highways as may be necessary in the extension of said business: *Provided*, That no railway, side-track, turn-out, or turn-table shall be constructed upon any street or highway in said city without the permission granted by a vote of the mayor and board of councilmen of said city, and only under such terms, conditions, and responsibilities, and with such rights and privileges as may be prescribed by said mayor and board of councilmen by ordinance; and said corporation is hereby authorized to extend its railway, which they are authorized by this act to construct, outside the limits of said city, as far as the first toll gates on any of the turnpike roads leading to and from said city, due regard being had to the vested rights of any of such turnpike companies.

§ 3. In the transportation of passengers, baggage, and freight on their roads, said corporation shall have all the rights and be subject to all the legal duties and responsibilities of common carriers, and the same authority as such carriers in the collection of fares and the enforcement of order in their cars; but shall not be liable for any baggage carried on said roads kept in and under the care of its owner, his servant, or his agent.

§ 4. The capital stock of said corporation shall be fifty thousand dollars, and may be increased from time to time by the vote of a majority of the stockholders to not exceeding one hundred thousand dollars. It shall be divided into shares of one hundred dollars each, to be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may by by-law prescribe.

§ 5. The business of said corporation shall be conducted and managed by a board of five directors, who shall elect from their number a president, and may appoint such other officers and agents as they may deem necessary for the proper conduct of the business, with power to remove the same at pleasure. The corporators named in the first section of this act shall be and constitute the first board of directors, and may at any time meet and organize as such and elect their president; and in case of death, resignation, or refusal to act of any of said corporators, such vacancy shall be filled by the remaining corporators; and hereafter all vacancies in the board shall be thus filled, and the persons thus appointed shall continue in office until the next general election.

§ 6. Said corporators, or any three of them, may, at any time, open books for subscriptions of stock in said corporation; and when as much as three hundred shares of said stock shall have been subscribed for and ten per cent. of the amount so subscribed shall have been paid in to said corporators or any agent appointed by them, said corporators shall organize and proceed to business; and shall give notice by publication in one or more of the newspapers published in the city of Lexington, for at least ten days prior thereto, of a meeting of the stockholders of said corporation, to be held in said city for the election of a board of five directors, who shall hold their office for the term of one year and until their successors shall be elected; and on the same day as that on which the first election is held the annual election in each succeeding year shall be held; but if not so held, from any cause, the board of directors shall, as soon as practicable, call another meeting, of which due notice, as above, shall be given. At all elections of said corporation each stockholder shall be entitled to one vote for each share of stock he holds upon which all calls have been paid. The vote shall be cast in person or by written proxy.

§ 7. Said board of directors may adopt all needful by-laws and regulations for the conduct of the business of the corporation not in conflict with the Constitution or laws of this Commonwealth or of the United States, and may alter and amend the same at will, prescribing the duties, compensation, and tenure of office of such agents, officers, or employes as they may from time to time select, and shall make calls for the payment of the subscriptions to the capital stock in such amounts as they may from time to time deem necessary.

§ 8. The said corporation may borrow money to an amount not exceeding two thirds of its capital stock, and issue bonds in sums of one hundred, five hundred, and one thousand dollars each, and may pledge and mortgage the property of said corporation, and its rights and franchises, to secure the same; but in no case shall the debt of the corporation exceed in amount two thirds of its capital stock.

§ 9. The cars to be used upon said railways shall be operated by animal power, and the streets on and along which said corporation shall construct its tracks shall be kept in good repair during such use by said corporation, under such regulations as the mayor and board of councilmen of said city shall prescribe.

§ 10. The corporators shall organize and proceed to business within sixty days from the passage of this act, and shall commence the construction of its railways within six months after the right of way over said streets, or any of them, shall have been obtained from the mayor and board of councilmen of said city.

§ 11. This act shall take effect from and after its passage.

Approved February 6, 1882.

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#### CHAPTER 127.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in the town of New Campbellsburg, or within three miles thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter it shall be unlawful for any person to sell, barter, loan, or give away any spirituous, vinous, or malt liquors, or any intoxicating drink, or mixture of the same, at or within three miles of the railroad depot in the town of New Campbellsburg, in Henry county.

§ 2. That any person violating the provisions of this act shall, upon conviction by any court of competent jurisdiction, be fined the sum of fifty dollars for each offense.

§ 3. All laws and parts of laws in conflict with this act are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage, but shall not affect any person engaged in selling liquor under license granted previous to its approval until such license shall have expired.

Approved February 6, 1882.

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#### CHAPTER 128.

AN ACT to authorize the county judge of Nelson county to appoint collectors of the county levy and other public dues of Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county judge of Nelson county be, and is hereby, authorized and empowered to appoint as many collectors of the county levy and other public dues of Nelson county for the due and collectable in and for the year 1881, as may be necessary to collect the same, not to exceed in number one collector for each justices' district in said county.

§ 2. Each of said collectors, at the time of his appointment, shall execute bond, with surety, for the collection of the county levy and other public dues of Nelson county collectable in the precinct or district for which he is appointed as now prescribed by law; and the aggregate estate of the sureties in said bond, subject to execution, after the payment of all their debts and liabilities, shall be equal to the whole amount of public dues for Nelson county collectable in the district or districts for which he was appointed.

§ 3. The powers and liabilities of each of said collectors shall be the same in the district or districts for which he may have been appointed as the powers and liabilities of a sheriff, or other collector of the county levy, as now prescribed by law for the purposes of collecting said public dues as now prescribed by law.

§ 4. This act shall take effect from and after its passage.

Approved February 6, 1882.

CHAPTER 129.

AN ACT in regard to the time of holding the Hardin county court of claims.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the regular term of the Hardin county court of claims shall commence on the second Monday in October in each year; but that said court, a majority of the justices being present, may, in their discretion, change the time of commencing said court.

§ 2. All laws in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 6, 1882.

CHAPTER 130.

AN ACT to amend an act, entitled "An act for the benefit of McCracken county, empowering it to compromise its debts, issue bonds, and levy and collect taxes to pay the same," approved February 9th, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the first section of said act be so amended as to empower the county of McCracken to issue bonds, not to exceed in amount two hundred and twenty-five thousand dollars in addition to the three hundred and fifty thousand dollars, authorized by said act; and all the provisions of said act are hereby made applicable to the additional bonds authorized to be issued by this amendment. Issue bonds.

§ 2. That the county court of McCracken shall have authority, if in their judgment they may think it to the interest of said county, to exempt any and all bonds that may hereafter be authorized to be issued by said county court from county taxation of all kinds. And said county court shall have like power to exempt any and all bonds, that may hereafter be authorized to be issued for the benefit of the city of Paducah in said county, by said city council, from similar county taxation of all kinds.

§ 3. That it shall require a majority of all the justices of the peace that said county may be entitled to elect to adopt

## LAWS OF KENTUCKY.

or authorize any of the provisions of this amendatory act or of the provisions of the act to which this is an amendment.

§ 4. This act to take effect from and after its passage.

Approved February 6, 1882.

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CHAPTER 131.

AN ACT to establish a road law for Gallatin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of chapter 94, General Statutes, title "Roads and Passways," except the words "or through any orchard," in section 19, article 1, of said chapter; together with the provisions of an act, approved May 5, 1880, entitled "An act to amend section 25, article 1, of chapter 94, of the General Statutes, title 'Roads and Passways,'" be, and the same are, applied to the county of Gallatin.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1882.

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CHAPTER 132.

AN ACT for the benefit of James F. Smith, late sheriff of Bullitt county, giving him further time to collect, distrain, and levy for uncollected taxes and fees due him.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the further time of two years from the passage of this act is hereby given to James F. Smith, late sheriff of Bullitt county, in which to collect his uncollected taxes and fee-bills, and that he have the right to distrain and levy for same as by law provided, subject to the penalties imposed by law for illegal distraint or the collection of illegal fee-bills.

§ 2. This act shall take effect from its passage.

Approved February 6, 1882.

CHAPTER 133.

AN ACT reducing the county levy in the county of Pike, and authorizing the court of claims to levy an ad valorem tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county levy in the county of Pike shall not exceed one dollar on each tithable in any one year, and if this sum is not, in the judgment of the court of claims for said county, sufficient to pay the claims allowed and meet the expenses of the county, the court of claims may levy an ad valorem tax on all property within the county subject to taxation for State revenue purposes as will be sufficient, with the county levy, to pay the claims allowed and other expenses of the county, but not to exceed the sum of fifteen cents on each one hundred dollars of taxable property in any one year.

§ 2. The sheriff or other collector shall collect such tax as is authorized by this act, and pay the same as required by law touching the county levy.

§ 3. This act shall take effect from its passage.

Approved February 6, 1882.

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CHAPTER 134.

AN ACT for the benefit of R. J. Barber and Scott Laurie, of McCracken county.

WHEREAS, On June 16th, 1873, Thomas D. Gurdy, sheriff of McCracken county, executed his bond for the collection of the State revenue, with Thomas W. Allen, J. M. Bigger, R. J. Barber, Chas. Bauchman, and Scott Laurie his sureties; and whereas, said Gurdy was a defaulter, and Charles Bauchman having died insolvent, and Thos. W. Allen and J. M. Bigger having compromised with the State, through its then Governor, J. B. McCreary, D. Howard Smith, Auditor, and Thos. F. Moss, Attorney General, under the act of the General Assembly of this State giving to said officers power and authority to compromise with the sureties of any defaulting sheriff; and whereas, R. J. Barber and Scott Laurie have been discharged in bankruptcy, upon their several petitions filed in the United States District Court at Paducah; and whereas, doubts exist as to whether such discharges in bank-

ruptcy release them from their liabilities to the State as the sureties of said Gurdy for the collection of the State revenue for the year 1873; and for remedy thereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the said R. J. Barber and Scott Laurie be, and they are, released from all liabilities to the State of Kentucky for any and all money collected by said Gurdy on his revenue bond to the State for the year 1873.

§ 2. This act shall take effect from its passage.

Approved February 6, 1882.

#### CHAPTER 135.

AN ACT to authorize the county judge of Breckinridge county to appoint a delinquent tax collector or collectors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

\*Collectors.

§ 1. That the county judge of Breckinridge county is hereby authorized to appoint one or more collectors, whose duty it is to collect all the delinquent tax due said county that may be listed with him or them; and for this purpose he shall have the same power that sheriffs have in the collection of the revenue and county levy. He shall make annual settlements with the county court, at the November term of said court, subject to the same rules that govern the settlement of sheriffs.

§ 2. It shall be the duty of the county clerk to list with the delinquent tax collector or collectors all the delinquent tax that has been returned by the sheriff, when ordered by the judge to do so, the collector or collectors giving bond in any sum that the judge may direct. The said collector or collectors shall pay to the county commissioners every six months all moneys collected by him or them, taking his receipt for the same, and on his settlement with the court, he shall have credit for same with all the lists not collected, and for the collection of the delinquent tax may receive any sum, not to exceed twenty per cent., that may be agreed upon by the county judge.

§ 3. This act shall be in force from and after its passage.

Approved February 6, 1882.



CHAPTER 126.

AN ACT to amend the amended charter of South Kentucky College, at Hopkinsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section one of the amended charter of the South Kentucky College, at Hopkinsville, be, and the same is hereby, amended by inserting in the eighth line of said section, after the word "mixed," the words "and to borrow money and to mortgage said property."

§ 2. This act shall be in force from its passage.

Approved February 6, 1882.

CHAPTER 137.

AN ACT to regulate the sale of spirituous, vinous, or malt liquors in the county of Crittenden.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall not be lawful for the county court of Crittenden county, or the board of trustees of any town in said county, to grant a license to any tavern-keeper, merchant, saloon-keeper, or any other person, to retail spirituous, vinous, or malt liquors in the county of Crittenden in less quantity than one quart.

§ 2. That merchants and druggists, upon obtaining license as now required by law, may retail spirituous, vinous, or malt liquors in said county in any quantity not less than one quart, not to be drank upon the premises or adjacent thereto, and that manufactures of spirituous, vinous, or malt liquors may retail the same in said county, without obtaining license, in any quantity not less than one quart, at their distillery premises, or their place of business or their residence, not to be drank upon the premises or adjacent thereto. Said manufactures shall have the privilege of selling at only one place without license.

§ 3. That any person or persons violating the provisions of the first and second sections of this act, shall be liable to all the pains and penalties prescribed by existing laws against keeping tippling-houses or retailing ardent spirits. And it

shall be the duty of the circuit judge of Crittenden county to give this act in charge to the grand jury of said county.

§ 4. That all laws in relation to the sale of spirituous, vinous, or malt liquors, as far as they apply to the county of Crittenden, coming in conflict with this act, are hereby repealed.

§ 5. This act shall not become a law until it is ratified by a majority of the voters of said county, who may vote for or against it at the regular election to be held at the regular voting places in said county on the first Monday in August, 1882; and it shall be the duty of the county court clerk of said county to prepare poll-books for said election, with two columns, one for the retail of liquor by the drink, and the other against the retail of liquor by the drink; and the officers of said election shall certify the result of said vote in the same manner as now provided by law for other elections; and if this act shall receive a majority of all the votes polled, the comparing board of elections for said county shall certify the same to the county court of said county, and the judge of said court shall order the same spread upon the minutes of the court; and when said certificate is so ordered and spread upon the minutes of the court, this act shall become a law and be in full force.

Approved February 6, 1882..

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#### CHAPTER 139.

AN ACT for the benefit of school district No. 4, Greenup county.

WHEREAS, J. B. Norris, common school commissioner of Greenup county, failed to pay out the full amount apportioned common school district No. 4, Greenup county, for the school year ending June 30th, 1881, by the sum of twenty-eight dollars and eight cents (\$28.08), and returned the said amount to the State Treasury, thereby causing the trustees of said district to make good said amount; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction be, and he is hereby, authorized to draw his warrant on the Auditor of Public Accounts in favor of J. B. Norris, common school commissioner for Greenup county, or his successor in office, for twenty-eight dollars and eight cents (\$28.08), payable

out of any unbonded interest or surplus belonging to said county for the school year ending June 30th, 1882.

§ 2. The said J. B. Norris shall be responsible on his official bond for all moneys received by him under the first section of this act, and shall pay out the same to the teachers of the public school in district No. 4, Greenup county, in the same manner as now prescribed by law for the payment of teachers of the public school in this Commonwealth.

§ 3. This act to take effect from and after its passage.

Approved February 6, 1882.

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CHAPTER 141.

AN ACT for the benefit of A. R. Ricketts, sheriff of Henry county.

WHEREAS, Hannibal Skinner was fined in the Henry circuit court sixty dollars each in two cases, and executions issued against him, and were placed in the hand of A. R. Ricketts, sheriff of Henry county, to do execution thereof; and whereas, Ricketts paid seventy per cent. of said fines to the jury fund commissioners of Henry county, to-wit: eighty-four dollars, before he had an opportunity to collect them from Skinner; and whereas, after Ricketts had so paid said eighty-four dollars, and before he collected the same from Skinner, the Governor remitted said seventy per cent. of said fines, and Ricketts was thereby precluded from collecting the same from Skinner, and it has not been refunded by the trustee of the jury fund or the State; therefore

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of A. R. Ricketts for eighty-four dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1882.

## CHAPTER 142.

AN ACT to incorporate Stony Creek Lodge, No. 275, Independent Order of Odd Fellows, in Franklin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. L. Greenwell, Jesse W. Smith, J. S. Aynes, W. F. S. Brawner, W. R. F. Brawner, Leonidas Rucker, Jasper Dalton, Wm. S. Brawner, J. W. Steger, Wm. P. Scott, John C. Penn, Louis Y. Black, W. A. Smoot, James Sanford, John M. Moore, H. Y. Smith, N. J. Moore, Hiram Penn, J. C. Semones, Y. M. F. Semones, C. M. Semones, Lewis A. Miles, and J. W. Semones, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Stony Creek Lodge, No. 275, Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the Constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act of the Legislature of Kentucky approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States or of this State.

§ 2. That the said corporation shall have power and authority to acquire and hold real estate not exceeding in value ten thousand dollars, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds. That the right to alter, amend, or repeal this act is hereby reserved to the General Assembly of Kentucky.

§ 3. This act to take effect from and after its passage.

Approved February 6, 1882.

## CHAPTER 143.

AN ACT to extend and continue the charter of the Northern Bank of Kentucky.

WHEREAS, It is represented to this General Assembly that the charter of the Northern Bank of Kentucky will expire and cease on the first day of May, 1885; now, in order to continue and extend the same,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the chartered rights and privileges of the president, directors, and company of the Northern Bank of Kentucky shall continue and extend in full force for twenty years from and after said first day of May, 1885.

§ 2. Said bank, under the continuance and extension hereby granted, shall be subject to the restrictions, limitations, penalties, conditions, and duties, and be entitled to all the rights imposed upon and granted to it by the act of its incorporation, and the acts amendatory of or relating thereto; but said bank may be known by, and sue and be sued, contract and be contracted with, by and under the name of the Northern Bank of Kentucky, as by its present corporate name.

§ 3. The General Assembly of the Commonwealth of Kentucky hereby reserves to itself the right to alter, change, amend, or repeal this act, and the charter and amendments thereto, extended this act at its pleasure.

§ 4. Before this act shall go into effect, it must be approved and accepted by a majority in interest of its stockholders, either at their regular meeting or at a meeting called for that purpose by the president and directors of said bank; and if approved and accepted, notice thereof shall be given by the president of said bank to the Governor of this Commonwealth, and when given, this act shall be in full force and effect.

Approved February 6, 1882.

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CHAPTER 144.

AN ACT granting Hercules H. Hays, former sheriff of Hardin county, and his deputies, H. W. English and S. W. Cofer, the further time of two years in which to collect all taxes and fee-bills owing to them in said county.

WHEREAS, It appears to the satisfaction of this General

Assembly that Hercules H. Hays, former sheriff of Hardin county, has heretofore paid to the State of Kentucky, and said county respectively, the full amount due from him; and that he and his deputies hereinafter named hold claims against various parties in said county for fee-bills, county levy, county taxes, railroad taxes, and State revenue; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Hercules H. Hays, former sheriff of Hardin county, and Horace W. English and Stephen W. Cofer, his deputies, are hereby granted the further time of two years, from and after the passage of this act, in which to collect, in any of the methods now prescribed by law, any and all fee-bills, State revenue, county taxes, county levy, and railroad taxes, which came to their hands as sheriff or deputy as aforesaid.

§ 2. Said Hays and deputies may list any or all of said claims with the sheriff of said county, provided they can agree with him as to his compensation for the collection of the same, or they may list the same with any constable of said county under the same conditions; and if listed with any constable, he shall have the same power to collect the same as sheriffs now have by law to collect State revenue, and shall be subject to like penalties; but no constable shall make any distrainment or sale of realty for any of such claims, until he shall have executed in the county court of said county, with sufficient surety, a bond to be approved by said court, which bond shall indemnify all persons against any damage they may sustain by reason of any illegal levy, distrainment, or sale, made in the collection of said claims, and shall have the same force and effect as given by law to a sheriff's bond for the collection of revenue.

§ 3. Said former sheriff and his said deputies may collect any of said taxes or fee-bills in person, or they may appoint any male person or persons, over fourteen years of age, so to do; and if any one is so appointed he shall have all the powers to collect the same that sheriffs have by law to collect similar taxes: *Provided, however,* Before such person shall make any levy, distrainment, or sale of any property for said taxes or fee-bills, or before said sheriff or his deputies shall make such levy, distrainment, or sale, they shall, in the county

court of said county, execute a bond or bonds in all respects similar to the one hereinbefore referred to, all of which bonds in this act named shall be taken to the Commonwealth of Kentucky, with at least two sufficient sureties, subject to the approval of the judge of the court, and attested by the clerk of said court. All of said bonds to have the same force and effect as now prescribed by law in regard to the revenue bond of the sheriff; and the said parties who give the same shall, for any violation of the stipulations of said bond, be subject to the same penalties that sheriffs would be for like acts.

§ 4. This act to be in force from and after its passage.

Approved February 6, 1882.

#### CHAPTER 145.

AN ACT to incorporate the Princeton and Ohio River Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That R. B. Ratliff, I. R. Hulett, Smith Powell, T. C. Allen, I. K. McGoodwin, W. L. Edmunds, James Hawthorn, and Charles Ratliff, of Caldwell county; and A. T. Johnson, Stephen Bell, and J. R. Booth, of Hopkins county, and John Orr, J. H. Clark, and David Wood, of Crittenden county; and J. A. Spalding, John Cartrill, and W. S. Phelps, of Union county; and Thomas Jackson, C. C. Hardrick, and Jas. Pain, of Webster county, and their associates and successors, be, and they are hereby, created a body-corporate and politic, under the name and style of the "Princeton and Ohio River Railroad Company," for the purpose of constructing, equipping, and operating a railway from the town of Princeton, in Caldwell county, to some point on the Ohio river at or near the mouth of Green river, with a branch of said railroad extending to some point on the Ohio river at or near Uniontown, or to some point on said river opposite, or as nearly opposite as practicable, to Mt. Vernon, Indiana; and a branch of said railroad to some point on the Ohio river opposite, or as nearly opposite as practicable, to Shawneetown, Illinois, on the most practicable lines through the counties of Caldwell, Hopkins, Crittenden, Union, Webster, and Henderson, to be determined by the president and board of directors of said Princeton and Ohio River Railroad Company.

Incorporators.

Style.

**Directors.** § 2. The business of said company shall be conducted under the immediate direction of a board of directors, consisting of not less than five nor more than seven members, to be elected by the stockholders of the company from among themselves; and said board shall elect one of their number to be the president of the board, who shall also be president of the railroad company.

**Secretary and treasurer—duties** § 3. The board of directors may elect a secretary and treasurer, and such other officers as they may deem necessary and proper for the management of the business of said company, and they may fix the term of office and the salaries of each: *Provided*, That no officer shall hold for a longer term than two years without re-election, or until his successor is elected.

**By-laws.** § 4. The board of directors may frame and adopt by-laws for the regulation of the business of the company, fix the rates for freight and passenger transportation, subject to such general laws of this Commonwealth as now exist, or may be enacted, for the regulation of such rates.

**May condemn land.** § 5. The company may receive, by donation or purchase, all lands necessary for its road-bed, side-tracks, depot, and warehouse, and other legitimate purposes; and also materials necessary for the construction and maintenance of the railroad and its appurtenances; and if the lands or material necessary for the road-bed, side tracks, depot, and warehouse grounds cannot be procured through voluntary agreement of the owners thereof, said company may have the same condemned, and pay therefor in the manner directed in chapter 110 of the General Statutes of Kentucky, title "Turnpike and Plank Roads."

§ 6. Said company shall adopt and use a seal bearing the style of the company, with any accompanying device considered suitable, which shall be affixed by the secretary of the company to all documents requiring the signature of the president of the company or of the officer acting instead of the president.

**Powers.** § 7. Said company may, in its corporate capacity, sue and be sued, plead and be impleaded, in all the courts, and generally to perform all such other acts and things as a natural person might legally perform in carrying out the objects and availing himself of the privileges of the company hereby declared and conferred.



§ 8. The capital stock of said company shall be one million Capital stock. five hundred thousand dollars, to be divided into shares of fifty dollars each.

§ 9. When authorized to do so by a vote of a majority of May issue bonds. the stock represented at any regularly called meeting of stockholders, the president and directors may issue bonds of said railroad company, bearing interest at any rate not to exceed eight per cent. per annum; the payment of the principal and interest of which bonds shall be secured by such hypothecation of the property of said company as may be necessary; but the aggregate amount of such bonds outstanding at any one time shall not exceed the capital stock of said company.

§ 10. The said company may, as they extend said railroad and branches, increase their capital stock to three millions dollars if necessary, and when authorized by a vote of the stockholders.

§ 11. The corporators hereinbefore named, a majority of them, are authorized to receive subscription to the capital stock of the company; and when five hundred thousand dollars of bona fide subscriptions of stock to said company are made, then the said corporators, or a majority of them, shall call a meeting of said stockholders, who shall proceed to elect a board of directors, and transact such other business as may be necessary for a perfect organization of the corporation and the advancement of the enterprise.

§ 12. The said Princeton and Ohio River Railroad Company may rent or lease its road to any other railroad company, or may lease any other connecting railroad and operate the same; it may connect or consolidate with any other railroad built or to be built in or through the State of Kentucky, or any adjoining State, so as to form a continuous or connected line of railroad; and should such connection or consolidation be made, it may assume the name and style of Indiana, Alabama and Texas Railroad Company or Evansville, Alabama and Texas Railroad Company, without loss of any of the rights or benefits of this charter. Said railroad company shall commence work on said proposed line within three years, and finish it so as to run trains from Princeton to the Ohio river within eight years from the approval of this act.

Reservation.

§ 13. The legislation reserves the right to regulate rates of freights and passage over the railroad hereby incorporated, and over any railroad it may acquire by purchase, consolidation, or otherwise, and the right to amend or repeal the charter hereby granted, or the charter of any railroad consolidated or otherwise acquired.

§ 14. The main line of said railroad may terminate at some point in the Ohio river at or near the city of Henderson. Said company is hereby authorized to construct its road and branches across any navigable river or water-course in such a manner as not to obstruct the use or navigation of the same.

§ 15. This act shall take effect from and after its passage.

Approved February 7, 1882.

#### CHAPTER 146.

AN ACT to amend an act, entitled "An act to amend and reduce into one the various acts in regard to the town of Bloomfield," approved February 16th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Boundary.

§ 1. That section 1, article 1, of an act approved February 16th, 1880, defining the boundaries of the town of Bloomfield, Nelson county, be, and the same is hereby, amended, and the boundary of said town so extended as to begin at the southwest corner of Samuel C. Duncan's residence; thence in a straight line to the southwest corner of the new dwelling-house of Matthew Wickham, including same; thence in a straight line to the Bardstown and Bloomfield Turnpike, so as to include the late residence of Thos. W. Taylor, deceased; and the line upon the east side of said town be extended so as to begin at the northeast corner of the Baptist Church lot, running in a straight line directly east; then at right-angles north, to include the residence of Dr. R. C. Caldwell.

§ 2. That the words "six months," in the second line of section 5, article 1, of said act, be so amended and changed as to read "sixty days."

§ 3. That the words "one hundred and fifty dollars," in the 12th line of article 2, section 2, of said act, be so amended and changed as to read "one hundred dollars."

§ 4. All laws in conflict with this are hereby repealed.

Approved February 7, 1882.

## CHAPTER 147.

AN ACT to amend the laws relating to the public schools and academy of the city of Newport, Campbell county, Kentucky.

WHEREAS, The board of education of the city of Newport, Campbell county, Kentucky, pursuant to an act, entitled "An act to amend an act to revise the laws relating to the public schools and academy of the city of Newport, approved February 17th, 1860," approved February 28th, 1872, issued forty bonds, each for the sum of one thousand dollars, bearing seven and three tenths per cent. interest, which said forty bonds will mature on the 1st day of May, 1883; and whereas, no provision has been made for the payment of said bonds on their maturity; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That for the purpose of paying and taking up the said forty bonds, the board of education of the city of Newport are hereby authorized and empowered to issue bonds in the denominations of not more than five hundred dollars each, to the amount of forty thousand dollars, payable in thirty years, and at the option of said board of education, at any time after the expiration of ten years from their date; said bonds to bear interest, payable semi-annually, and represented by coupons attached to the bonds, at a rate not to exceed five per cent per annum. Said bonds shall be numbered in rotation, and shall be signed by the president of the board of education, and countersigned by the clerk of said board: *Provided, however,* That the interest coupons shall be signed by the said clerk of the board only. Said bonds and coupons shall be payable at a place in the city of Newport, Kentucky, to be designated by the said board of education, and expressed in the bonds themselves. Said bonds and coupons are hereby made exempt from taxation for local or municipal purposes, and may be sold or hypothecated for the purposes above mentioned by the said board of education: *Provided further,* That, at the expiration of each and every year, after the issuance of said bonds, and before the expiration of the ten years, as hereinbefore provided, the said board of education of the city of Newport, Campbell county, Kentucky, shall announce by advertisement, in one or more of the newspapers in general circulation in the said city of Newport, its readiness to purchase said bonds to the amount

of the sinking fund hereinafter provided for that purpose, which shall have then accumulated, and said board of education shall purchase at the lowest bid said bonds to the amount of said accumulation as aforesaid.

§ 2. That all the property held by the board of education of the city of Newport, Kentucky, and so much of the special tax now levied and authorized to be levied by the city of Newport for the benefit of the common schools and academy of the said city of Newport, is hereby pledged for the principal and interest accruing on said bonds. The said board of education of the city of Newport, Kentucky, are hereby directed and enjoined to set apart each year, out of the special tax levied by and received from the city of Newport for the benefit of the common schools and academy of said city, the sum of three thousand dollars each and every year, until the principal and interest of said bonds are fully paid. Out of said three thousand dollars the annual interest on said bonds shall be first paid, and the surplus set apart as a sinking fund, and held inviolable for the purpose of paying said bonds as hereinbefore provided for at maturity, and used for no other purpose whatever. At the expiration of ten years from the date of said bonds, and annually thereafter, the said board of education shall call in as many of said bonds as the amount in the sinking fund will pay for, the particular bonds to be called in to be decided by the said board of education by lot in a manner to be selected by them.

§ 3. This act shall take effect from and after its passage.

Approved February 7, 1882.

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#### CHAPTER 148.

AN ACT to authorize the county of Hopkins to compromise and fund its outstanding bonded indebtedness, issue bonds, and levy and collect taxes to pay the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county of Hopkins is hereby authorized and empowered to compromise and fund its present outstanding bonded indebtedness, and to redeem and cancel all bonds and unpaid coupons evidencing the same, whether due or to become due, by the issue, negotiation, and delivery to the

holder or holders of its said bonds and coupons, who agree to receive the same, of the bonds of said county of the denominations of one hundred dollars, five hundred dollars, and one thousand dollars, to bear date January 1st, 1883, and to mature twenty years thereafter, and to bear interest from date at the rate of five per cent. per annum, payable semi-annually, the semi-annual installments of interest to be represented by coupons attached to the bonds; the bonds and coupons to be payable to bearer at the Bank of America in the city of New York. The said bonds shall be signed by the county judge of said county and attested by the clerk of the county court of said county, with the seal of said county affixed, and the coupons shall be signed by the said county court clerk. At any time after three years from the date of said bonds the said county shall have the right to pay, call in, and redeem any or all of them.

§ 2. The power of said county to compromise and fund its said indebtedness, and to redeem and cancel said evidences of the same, shall be vested in the Hopkins county court of claims, composed of the county judge and justices of the peace for said county. The said court of claims shall have power to contract with any holder or holders of any of the evidences of indebtedness hereinbefore mentioned, for the surrender and cancellation of the same, whether due or to become due, and to cause to be issued and delivered in lieu thereof, by order entered upon the regular order-book of said court of claims, the bonds of the county authorized to be issued under this act. If the holder or holders of any of the aforementioned evidences of indebtedness of said county refuse to surrender same to said court of claims for cancellation, and to accept bonds issued in lieu thereof under the provisions of this act, then the said court of claims shall have power to place the said bonds issued in pursuance of this act upon the market, and to sell the same for cash in hand at not less than full face value. The said court of claims shall then have further power to contract with the said holder or holders of evidences of indebtedness of said county, and to purchase the same, paying not exceeding par and accrued interest, and using the means raised in the manner above provided.

§ 3. To pay the accruing interest on the bonds issued under the authority of this act, and to provide a sinking fund for

their redemption after three years or at maturity, an annual tax shall be levied by the county court of said county upon all the real and personal estate in said county, including all amounts given in under the equalization law subject to taxation under the general laws of this Commonwealth. Said county shall have a lien upon all property taxed or taxable under this act, and on all other property of each tax-payer for the payment of all taxes payable by such tax-payers, which shall not be defeated by any means whatever.

§ 4. The sheriff of said county, by virtue of his office, shall be the collector of said taxes; he shall, at the term of the court when said taxes are levied, or at the next county court, execute a separate bond, payable to the Commonwealth of Kentucky, with one or more good and sufficient sureties, to be approved by the county judge, whose aggregate estate subject to execution, after payment of all their debts and liabilities, shall be equal to double the amount of the whole of the taxes to be collected by him, in form substantially as follows: "We, A B, sheriff of Hopkins county, and C D and E F, his sureties, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky that the said A B shall well and truly collect, account for, and pay over to the person entitled to receive the same according to law the county taxes of said county for the year —, levied and imposed under authority of an act to authorize and empower said county to compromise and fund its outstanding bonded indebtedness; that he shall truly report, as required by law, all taxes collected or received by him or his deputies, and pay over the same according to law, and in all things well and truly perform the duties of collector of said taxes of said county."

§ 5. In case the sheriff shall fail, for any reason, to give said bond, or renew his bond, or to give additional security when required so to do by the said county court, the said court shall appoint a special collector of said taxes, who shall, before entering on the discharge of his duties, take an oath faithfully to perform them, and execute such bond, with such surety, in said court as is required in the last preceding section.

§ 6. The sheriff or collector, from and after the first day of June in each year, shall collect the taxes levied and imposed under authority of this act, in the same mode, with the same powers, duties, and responsibilities, and for the same com-

missions given and allowed the collectors of the public revenue; and at the expiration of every month shall pay over the full amount, less his commissions, collected by him, and shall account for and pay into the county treasury all taxes for which he is bound by the first day of April in each year. The county court shall, in the month of October in each year, cause a settlement of the sheriff or collector's accounts, to be made and reported to court, and in the month of April thereafter shall cause a final settlement to be made and reported to court. Any sheriff or collector who shall fail to collect or pay over the taxes as provided herein shall, with his sureties on his bond, be liable by motion or notice, served not less than ten days, or by action in the name of said county, or by any person aggrieved in the circuit court thereof; in which motion or action the said county shall recover of said sheriff or collector and his sureties the amount due the county, with interest from the time it should have been paid, the costs of the motion or action, and ten per cent. damages on the amount found due. Officers and their deputies failing to levy executions in the name of the county, or withholding any such execution and not making return thereof for one month after return day, or failing to pay the money when collected, shall, together with their sureties, be liable by like motion or action for the amount of said execution, and twenty per cent. damages thereon. The county attorney of said county shall prepare and prosecute said proceedings.

§ 7. It shall be the duty of the sheriff or collector of taxes under this act, at the county court in January, in the same manner that is required of the sheriff in relation to the return of his delinquent list of the public revenue, to return to the county court all delinquents in the payment of taxes levied under this act; and he shall, for all such as are allowed by the county court, be credited in his final settlement. Said court may re-list the delinquents, or place the collection of same in the hands of other persons, to be collected and accounted for as other public dues.

§ 8. If for any cause the sheriff shall fail to execute the bond provided for in this act, and the county court fail to appoint a collector, the sheriff shall, in virtue of his office, proceed to collect the taxes levied under this act, and he and his sureties shall, in all respects, be responsible upon his official bond.

§ 9. For the purpose of receiving, keeping, and disbursing the money collected under this act, the county court shall appoint a treasurer of said county. Said treasurer, before entering upon the discharge of his duties, shall take an oath faithfully to perform them, and execute bond to the Commonwealth of Kentucky, with one or more good and sufficient sureties, worth at the time, jointly or severally, at least twenty-five thousand dollars, to be approved by the county court, and filed and recorded in the office of the clerk thereof, conditioned that he shall faithfully discharge the duties of his office. For a breach of this bond the county, or any person aggrieved, may institute proceedings by motion or action in any court of competent jurisdiction, and recover to the extent of the damages sustained. The treasurer shall have no right to pay any money received by him, except in pursuance of orders of the court of claims. The county court clerk shall furnish him a certified copy of every order of said court for the payment of money.

§ 10. The treasurer shall reside and keep his office at the county seat of said county. He shall hold his office for the period of four years, but shall renew his bond annually. Any vacancy occurring from death, resignation, or removal shall be filled immediately by the county court. The treasurer shall keep, in well bound books to be provided by him at the expense of the county, true accounts of all money paid into the treasury, by whom, when, and on what account. On the last day of each year he shall make a full and explicit report, exhibiting the receipts and disbursements of the year, which report he shall lay before the county court at its ensuing January term, to be filed and entered of record.

§ 11. The county court of said county shall have the right at any time to require the sheriff or collector, under this act, to renew his bond, or to give additional security, and on his failure so to do, may, after due notice and investigation, remove him from office; and shall have the same power in relation to the treasurer.

§ 12. This act shall take effect from its passage.

Approved February 7, 1882.



CHAPTER 149.

AN ACT to authorize the Trimble county court to take stock in turnpike roads in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff of Trimble county shall, on the first Election. Monday in March, 1882, open a poll at the several voting places in said county, and take the sense of the qualified voters thereof as to whether the Trimble county court shall subscribe an amount equal to one half of the cost of construction of each mile of turnpike road hereafter built in said county by any company now or hereafter incorporated under the laws of this State, not to exceed, however, an average of eight hundred (\$800) dollars per mile to any road constructed under this act. Said election to be conducted and held, return thereof made to, and the result declared by, the same officers, under the same penalties as now provided by law.

§ 2. If, upon due return and comparison of the polls of County subscrip- said election, it shall appear that a majority of those voting are in favor of said county court making the subscription aforesaid, then it shall be the duty of the Trimble county court, a majority of the justices of the peace in said county being present, to subscribe to the capital stock of each and every turnpike company now or hereafter organized in said county as aforesaid; but no bonds of said county shall be issued, nor shall any part of said subscription be paid over to such company, or any person whatever, except as each mile of turnpike is completed, or until said court shall be fully satisfied, in open court, that the company constructing the road are fully able to complete it with the aid of said subscription.

§ 3. Said court shall have the power and authority, and May issue bonds. they are required to issue the bonds of said county, in such denominations and form as said court may, by its orders, direct, bearing interest at a rate not exceeding eight per cent. per annum, to run twenty years or less, at the court's option.

§ 4. When a turnpike company has been organized as aforesaid, it shall be the duty of the county judge of said county, upon the request of the directors of said company,

to convene the said justices for the purpose of carrying out the provisions of this act.

§ 5. When the bonds hereinbefore provided for are issued, it shall be the duty of said court to annually levy, and cause to be collected as other county revenues are now collected, an ad valorem tax of not exceeding twenty-five cents on the one hundred dollars' worth of all the property subject to taxation in said county, which said amount so collected shall be used for the purpose of paying off the interest and principal of said bonds.

Precinct may  
subscribe stock.

§ 6. If a majority of the votes cast at said election in the entire county is against the ratification of this act, then the same be the law only in such precincts as shall show a majority of the voters therein at said election to be in favor thereof; and in that event the taxes aforesaid shall only be levied and expended in such precincts as shall cast a majority of the votes for the ratification of this act. The sheriff shall give ten days' notice of the time and object of said election by printed notices posted in at least three public places in the neighborhood of each voting place, and by at least two insertions in a newspaper published in said county.

§ 7. If a majority of the voters of any precinct in said county at said election is against the ratification of this act, the county court may, by an order duly entered upon its order-book, again submit it to the qualified voters of such precinct or precincts at any general election in said county.

§ 8. This act shall take effect from its passage.

Approved February 11, 1882

## CHAPTER 150.

AN ACT to incorporate the town of Central City, in Muhlenburg county, and to repeal an act, entitled "An act to incorporate the town of Strand City," in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act of the said General Assembly, entitled "An act to incorporate the town of Strand City, in Muhlenburg county," approved April 24th, 1880, be, and the same is hereby, repealed.

§ 2. That the name of said town of Strand City be changed Style.  
to and is hereby incorporated under the name of Centual  
City.

§ 3. That the boundary of said town of Central City shall Boundary.  
be as follows: Beginning at the west side of an open culvert  
on the Chesapeake, Ohio and Southwestern Railroad 153  
poles east of crossing of the Chesapeake, Ohio and South-  
western Railroad with the Owensboro and Nashville Rail-  
road; running thence south 2 degrees 47 minutes east 74  
poles to the east end of a lane; thence south  $11\frac{1}{2}$  east 144  
poles to a hickory, dogwood, and double white oak; thence  
due west 52 poles to a gum; thence north 57 west 58 poles to  
a black gum; thence south  $75\frac{1}{2}$  west 36 poles to a hickory,  
sweet gum, chestnut, and small black oak; thence south  $26\frac{1}{2}$   
west 96 poles to three small black oaks on the Holland road,  
being the south corner of Peter Miller's  $4\frac{1}{2}$  acres; thence  
with said Miller's line north  $49\frac{1}{4}$  west 18 poles to a point on  
Ross' line; thence with Ross' lines south 48 west 113 poles to  
two small black oaks, Gossett's corner; thence north 41 15  
west 121 poles to two black oaks on the Greenville road, being  
the southeastern corner of the 265 acre tract of land bought  
by the Central Coal and Iron Company from B. J. Shaver;  
thence north 57 30 west 106 poles to two beeches; thence  
south 80 15 west 56 poles to two beeches; thence north 22 15  
east 206 poles to a rock corner; thence north  $33\frac{3}{4}$  east  $8\frac{1}{2}$  poles  
to a stake; thence north 33 degrees 23 minutes east 95 poles  
to a stake; thence south 70-12 east 253 poles to the point of  
beginning.

§ 4. That the board of trustees shall properly mark said  
boundary, and cause a plat to be made thereof and recorded  
in the Muhlenburg county clerk's office.

§ 5. That the fiscal and municipal concerns of said town, Trustees.  
the government and control thereof, shall be vested in five  
trustees, three of whom shall constitute a quorum, each of Qualifications.  
whom shall be not less than twenty-five years of age, *bona fide*  
resident citizens and housekeepers of said town.

§ 6. That said trustees shall hold their offices for two years, Term.  
and until their successors are elected and qualified, except as  
hereinafter provided.

§ 7. That said trustees and their successors shall be a body-  
corporate, with all the powers and rights incident to corpo-

rate bodies, under the name of the board of trustees of the town of Central City.

Election.

§ 8. That there shall be an election on the last Saturday in May of each year for the election of such trustees, which election shall be by ballot, under the direction of the board of trustees, at which all male citizens over the age of twenty-one years who have been *bona fide* citizens and residents of said town for sixty days next preceding said election, shall be entitled to vote. That of the five trustees elected at the first election the two receiving the largest number of votes cast shall hold their office for the period of two years; the other three for one year; and thereafter at each annual election either three or two trustees shall be elected for the term of two years, to fill the place of those whose terms shall expire on the date of such election.

Oath.

§ 9. Said trustees, upon receiving their certificates of election, shall take an oath, before entering upon their duties as trustees, to faithfully discharge all the duties that may devolve upon them, which oath may be administered by any officer authorized by law to administer oaths.

Officers.

§ 10. The board of trustees shall have power to elect a chairman, clerk, treasurer, and street overseer, all of whom shall be members of the board, except the street overseer, who may or may not be, in the discretion of the board. They may fill all vacancies in their own number, and shall have power to remove any member continuously absent from the meetings of said board for four months; and shall have the authority to remove the chairman, clerk, treasurer, and street overseer, and elect others in room of those removed, where the same may seem advisable; they may regulate their meetings from time to time, and hold special meetings when necessary.

Powers of trustees.

§ 11. The board of trustees shall have authority to call out, for labor on the streets and alleys of said town, all the male residents of said town between the ages of sixteen and fifty years, not exceeding twelve days in each year; and at least two days previous verbal or written notice shall be given of the time and place of working, by the street overseer, or by some person selected by him to give such notice: *Provided, however,* That the street overseer shall be authorized to receive and accept in lieu of said work the sum of seventy-five cents from each hand for each day's work, if said amount be

tendered on or before the day of working, which sum shall be paid to the treasurer and accounted for by him. The town clerk shall furnish the street overseer with an alphabetical list of all male residents of said town liable to work on said streets and alleys. Any person who shall fail to attend with proper tools for the purpose of labor, or refuse to labor when in attendance, shall be fined two dollars for each day he may be so notified to work, to be recovered in the police court of said town, by warrant in the name of the Commonwealth of Kentucky, for the use and benefit of the trustees of Central City; and if any person against whom such a fine is assessed shall fail to pay the same, it shall be lawful for the police judge of said town to place him at labor on the streets and alleys thereof, under the direction of the town marshal or street overseer, to work out said fine and costs at the rate of two dollars per day for each day's labor.

§ 12. The board of trustees shall have authority to build and erect a safe and commodious prison-house or lock-up in said town, of such form and dimensions as they may deem advisable, which shall be placed in charge of the town marshal or such other person as they may select, which shall be used for the confinement of all offenders who may be consigned thereto by the police judge, and for the safe-keeping of such persons as may be consigned to work on the streets and alleys of said town when not at work.

§ 13. The legal title to all the streets and alleys of said town, and all property which may now or hereafter belong to said town, shall vest in the board of trustees and their successors for the purpose of keeping the same in order and repair; and they may maintain suit in their corporate name in any court of competent jurisdiction for any injury done to or trespass on said property.

Title to streets  
and alleys.

§ 14. In addition to all the powers now conferred by law upon the trustees of towns, they shall have the following powers:

Powers.

1st. To abate any and all nuisances in said town.

2d. To remove any dangerous or combustible materials from said town.

3d. To remove and order to be removed all defective chimneys and flues.

4th. To set out ornamental trees, build sidewalks and street crossings, repair and keep the same in order.

5th. To open new streets and alleys, and to purchase and condemn land for that purpose, and to widen and extend streets and alleys when necessary.

6th. To maintain, care and provide for, all poor people residing in said town.

7th. To levy an annual capitation tax on all male residents of said town over twenty-one years of age of not exceeding two dollars each.

Tax. 8th. To levy an annual tax on all property, real and personal, choses in action, and other forms or evidences of wealth in said town, of not exceeding twenty-five cents upon one hundred dollars' worth.

9th. To order the owners of all lots or parts of lots in the business portion of said town to cause sidewalks to be constructed in front of said lots or parts of lots, of such material and of such form and dimensions, and at such elevations, as they may direct, or to cause the same to be constructed before such lots or parts of lots at the expense of the board, when the owners thereof shall fail to construct such walks after reasonable notice; and the board may recover said expenses, by suit in the name of the trustees of Central City, from the owners of said lots or parts of lots, and shall have a lien for the expenses incurred upon the property so improved, which may be enforced in any court of competent jurisdiction by suit in their name.

10th. To fix the pay, fees, or salary of their officers or of their employes, and the salary of said trustees shall be fixed at ten dollars per annum.

Assessor. 11th. To appoint an assessor to value and assess the taxable property and wealth of said town, who shall make the assessments after taking an oath impartially so to do, and return the same to the town clerk on or before the first regular meeting of said board in the month of March of each year, together with the names of all persons liable to capitation tax in said town; but in no case shall such assessments exceed that of the county in which said town is situated.

Shows, &c. § 15. They shall have power to tax all theatrical performers, shows, and exhibitions in any sum not exceeding twenty dollars for each performance, show or exhibition, and there shall be in their favor on all the property and effects of such theatrical performance, show, or exhibition a lien for said tax until the same shall be paid; and they shall have power to

levy and collect a tax on goods sold by transient merchants and peddlers, not to exceed five per cent. on the gross amount of sales in the limits of said town, and shall have a lien on the goods so sold until the tax be paid, and a lien upon the taxable property and wealth of said town until the town taxes be paid.

§ 16. The board of trustees of the town of Central City License. shall have the power to license coffee-houses and restaurants with the privilege of retailing spirituous liquors by the drink, and may levy and collect a tax on such license not less than one hundred nor more than two hundred dollars per annum; and said coffee-houses and restaurants shall be subject to such proper regulations and control as said trustees may deem advisable; and they may levy and collect a tax not exceeding one hundred dollars on all persons authorized to vend ardent spirits by the laws of the Commonwealth of Kentucky in said town in quantities less or greater than a gallon; and they may, for cause, revoke or suspend any license issued by them in their sound discretion. And said trustees shall also have the power to license taverns, drug-stores, ten-pin alleys, and billiard-saloons, and may levy and collect an annual tax on such license as follows: on taverns, not less than twenty-five nor more than one hundred dollars; on drug-stores, not less than ten nor more than fifty dollars; on ten-pin alleys and billiard-saloons, each, not less than ten nor more than fifty dollars.

§ 17. The said board of trustees shall have general control and supervision of the streets and alleys of said town, and shall keep the same in order and free from obstructions, and may allow any person indebted to said town for taxes or otherwise to work the same out on the said streets and alleys under the direction of the street overseer, at such rate of compensation as they may deem just and fair.

§ 18. The board of trustees shall hold a regular meeting in Meeting of board the month of April of each year to revise and correct the assessor's book, at which any person assessed may appear, and such alteration may be made in the assessor's valuation as may seem advisable.

§ 19. The assessor's book shall be listed with the rate of Assessor's book. taxation affixed, showing the amount due from each individual, corporation, or company, with the town marshal for collection, on or before the first Monday in May of each year.

*Town Marshal.*

§ 20. There shall be elected in said town a marshal on the last Saturday in May in each year, who shall have the same qualifications as the trustees, and who shall be *ex officio* tax collector of said town, and have all the rights and powers in Muhlenburg county that constables now have. He shall have such reasonable compensation for collection of taxes as the board of trustees may direct, not exceeding five per cent. on the amount collected. Unless the board of trustees otherwise direct, he shall have charge of the town lock-up; and it shall be his duty to arrest, with or without warrant, all riotous, drunken, or profane persons in said town, and convey such persons forthwith before the police judge of said town for trial. He shall pay monthly to the treasurer of the board of trustees all money coming to his hands due said board, and he shall make final settlement with the said treasurer for all taxes, dues, and demands listed with him for collection on or before the first day of July of each year; and upon his failure so to do, suit may be brought upon his special bond in the name of said board. Before entering upon his duties, he shall take the usual oath of office, and shall execute a special bond to the board of trustees of the town of Central City, conditioned that he will faithfully collect and pay over all taxes, dues, and demands listed with him for collection by said board. For the care, custody, and control of prisoners placed in his charge for confinement, or for work on the streets and alleys of said town, he shall be allowed a reasonable compensation by the board of trustees. He shall pay over to the treasurer of the board of trustees all fines and forfeitures collected for offenses in said town, and the said trustees shall have the power to remove the said marshal from office for neglect of duty as such, and to fill the vacancy until the next general election.

Marshal.

Compensation.

*Police Judge.*

§ 21. There shall be a police court in said town, to be presided over by a police judge, who shall have the same qualifications, be elected at the same time, and hold his office for the same period, as the members of the board of trustees. He shall have original and exclusive jurisdiction of all offenses committed in said town, and shall have the same and like jurisdiction in all civil and criminal actions or proceed-

Police judge.

Qualifications.

Jurisdiction.



ings in Muhlenburg county that the county judge of Muhlenburg county now has, excepting where said judge has by law exclusive jurisdiction; and shall take such oath of office and give such bond as is now required by law of police judges of towns. He shall have power to hear and determine, in a summary manner, all offenses against the by-laws and ordinances of said town: *Provided*, That if the penalty for violation of such by-law or ordinance exceed twenty dollars, he shall cause a jury to intervene, but not otherwise.

Penalties.

§ 22. If any person against whom a penalty or fine is assessed in said court shall fail to pay the same, together with the costs of the proceedings, said police judge shall have authority to direct the confinement of such person in the town prison-house or lock-up until said fine and costs be paid at the rate of one dollar per day for each day's confinement; or he may direct that such person be confined in the county jail of Muhlenburg county until the fine be paid, as now prescribed by law; or he may direct that such person be placed at labor on the streets and alleys of said town, under the direction of the town marshal or street overseer, until said fine and costs be paid, at the rate of one dollar for each day's labor.

§ 23. The board of trustees shall have power to adopt and pass such by-laws and ordinances for the good government of said town as may seem necessary, not inconsistent with the laws of the Commonwealth, and to affix a penalty for drunkenness, profane swearing, and indecent behavior of not exceeding twenty dollars.

By-laws and ordinances.

§ 24. The fines and forfeitures which may be assessed for all penal offenses committed in said town shall vest in the board of trustees, and be paid to the treasurer of said board by any officer to whom the same may come.

Fines and forfeitures.

*Treasurer.*

§ 25. The treasurer shall receive and pay out and account for all moneys coming to said board, and shall execute a bond, with good and sufficient surety, to said board, conditioned for the faithful performance of his duties and the accounting for all funds received by him.

Treasurer—bond.

*Clerk.*

§ 26. The clerk of said board shall have charge and safely keep all books and records of said board, the minutes of the

Clerk.

proceedings of said board; and shall take and attest all bonds executed to said board, certify the election of the trustees, marshal, and police judge; and upon the day of the annual election have prepared a statement showing all sums of money received, and all sums paid out by said board, of and to whom, and shall give all notices required to be given by said board.

*Street Overseer.*

§ 27. The street overseer shall have general charge of the streets and alleys of said town, subject to the supervision of the board of trustees.

§ 28. If any other person than the town marshal be intrusted with the care and control of said town lock-up and prisoners therein, such person shall be allowed a reasonable compensation for his services.

§ 29. It shall be lawful for the board of trustees, for good cause, to list the taxes due the town for collection with some other person than the town marshal, in which case such person shall collect said taxes for the same compensation, and subject to the same restrictions as to payment and settlement, as the town marshal should have done.

§ 30. That J. H. Reno, Harry Martin, Daniel Fitzgibins, Geo. P. McMannon, and Thos. May shall be and act as trustees until the last Saturday in May, after the passage of this act, and until their successors are elected and qualified; and all acts done and proceedings had by them as trustees, so far as said acts are consistent with the laws of this Commonwealth, shall be held valid and of full effect.

§ 31. If any offender be directed to work in the streets and alleys of said town, it shall be lawful for the police judge of said town to direct that said offender be secured by ball and chain, and it shall be the duty of the board of trustees to provide said ball and chain, when so required.

§ 32. The chairman of the board of trustees shall act in the room and stead of the police judge when said judge shall be absent, or the office shall be vacant, by reason of death, resignation, or other disability, not to exceed beyond the first regular election after said death, resignation, or disability; and while acting as police judge, said chairman shall have all the rights, powers, and jurisdiction conferred herein upon said police judge.

§ 33. The police judge shall have the same fees now allowed justices of the peace, and the town marshal shall have the fees now allowed constables.

Fees of police judge and marshal.

§ 34. That Pressly Morehead shall be police judge of said police court, and Joel H. Doss, town marshal, until the first annual election after the passage of this act.

§ 35. That the citizens of said town shall be exempt from working on the roads in Muhlenburg county.

Exemption.

§ 36. That said board of trustees shall have the right to acquire land, by gift or purchase, in or near said town for a public cemetery, and the title to said land shall vest in said trustees; and they shall have the power to sell and convey burial lots in said cemetery; and to improve and beautify said grounds; and said cemetery shall be under the management and control of said board of trustees.

§ 37. Before this act takes effect, it shall be the duty of the presiding judge of the county court of Muhlenburg county to order an election to be held on the second Saturday in February, 1882, between the hours of 7 A. M. and 6 P. M., within the territory marked out, described, and bounded by section three of this act. No one but the qualified voters as prescribed by section eighth of this act, residing within the territory set forth in section three, shall be allowed to vote; said county judge shall appoint two judges, one clerk, and one sheriff of election, whose duty it shall be to hold and conduct said election as regular elections are now required to be conducted by law. The clerk of said election shall propound this question to each person offering to vote: "Do you vote for the charter or against the charter?" If a majority of those voting on the proposition vote in the affirmative, then this act shall take effect on the first Monday after said election, and the board of trustees, and other officers named herein shall immediately enter upon the discharge of the duties of their respective offices. If a majority of those voting on the proposition vote in the negative, then this act shall not take effect.

Submission to vote of the people

Approved February 11, 1882.

## CHAPTER 151.

AN ACT to incorporate the Highland Bridge Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John Cartmell, I. A. Spalding, W. S. Phillips, James C. Hamilton, L. S. Hodgins, J. B. Gardiner, G. V. Menzies, A. D. Owen, and C. H. Crawford, and their successors and associates, are hereby constituted and declared a body-

Corporators.

Name.

Corporate forever, under the name of the Highland Bridge Company, with power to sue and be sued, contract and be contracted with, and with all other powers, rights, and privileges incident to corporations.

§ 2. Said Highland Bridge Company is hereby empowered to locate, build, construct, and maintain, under the laws of the United States, a bridge for railway, wagon, and all other purposes across the Ohio river, extending from some convenient point within the limits of the town of Uniontown, in Union county, or within two miles below or above the limits of said town, to some convenient point on the Indiana side of said river; and said company is hereby clothed with all the powers, privileges, and rights and franchises necessary for the carrying out the purposes named herein, and is empowered to purchase, lease, or condemn all the real estate that may be necessary for the purposes of said corporation, whether for piers, approaches, tracks, toll-houses, or approaches leading to the same, and shall have all rights and powers for the condemnation of property as may be necessary and requisite to secure the purposes of this act, in accordance with the provisions of this charter as hereinafter set out. Whenever said company shall desire to condemn any property for the purposes named in this act within the county of Union, the said company shall file a petition in the Union circuit court, and such proceedings shall be carried on, as near as may be, as actions at law by ordinary proceedings. Warning orders against non-residents, absent defendants, or unknown owners of property, must be published three times in any newspaper published in the town of Uniontown or in the county of Union, the last publication to be at least ten days before the trial. The owners of distinct parts of one contiguous tract may all be included in one proceeding, or any one or more of them holding contiguous tracts may be proceeded against in.

Powers.

A d quad dam-  
num.

a separate action. These causes shall be tried by juries as other cases are tried in said court, and shall have precedence upon the docket as soon as the parties are before the court, and the issues are made up. The jurors shall be sworn truly and impartially to ascertain and determine by their verdict the amount of compensation each owner will be entitled to if his land or property described in the petition is condemned. The court in which these proceedings are brought shall have power to assign a day for the trial of the case as soon as the petition is filed; and upon the return of the verdict the court shall enter judgment vesting the title to the property described in said corporation, said judgment to take effect upon the payment into court by the said corporation of the amount of money named in the verdict. If the said amount so named in the verdict shall not be paid within ninety days from the rendition of said judgment, the said proceedings shall be dismissed without prejudice to any subsequent proceeding.

§ 3. Said corporation shall have the power to lay down on said bridge and its approaches a single or double track for railroad cars or for wagons or other vehicles, and all animals, and to erect foot-ways for passengers, and to charge for the use thereof reasonable tolls, and for said purpose may erect on either or both ends of said bridge toll-gates, and may do all other acts or things necessary for collecting the charges for the use of said bridge and approaches.

May build railroad.

Toll-gates.

§ 4. Said corporation is empowered to borrow any money for the purposes named in this act, and to pledge its property and franchises to secure the payment of the same, and to issue bonds in any amount, not exceeding one million of dollars, its stockholders may determine, and secure the same by a mortgage or mortgages upon all its property and franchises of every kind, and said bonds may bear any rate of interest, not more than six per cent., run any time, and be made payable at any place the board of directors of said corporation may deem proper, and may be sold or disposed of as said board may direct.

May borrow money.

§ 5. The capital stock of said corporation shall be one million dollars, which may be increased by said company to an amount not exceeding the cost of the construction of said bridge, and shall be divided into shares of one hundred dollars each, and be made payable at such time and in such manner as the board of directors of said company may require.

Capital stock.

Directors.

§ 6. The affairs of said corporation shall be under the control and management of a board of directors, composed of not less than five and not more than nine stockholders, chosen at an annual meeting, to be held on the first Monday in March of each and every year, in the town of Uniontown, Union county, who shall hold their office until their successors are elected and qualified; and in case of a vacancy, said board shall fill the same until the next meeting of the stockholders. Said directors, from among their number, shall choose a president, vice president, and secretary, and may elect any other officers they deem requisite for the management of the business of the corporation, and may prescribe their duties, and require bonds for the faithful performance of the same; and may make all by-laws and regulations for the government of said corporation and its officers and employees.

§ 7. Said corporation may contract with any railroad company in or out of this State for the use of said bridge by its cars and engines, or for other purposes; and any railroad corporation or person in or out of this State may subscribe to the capital stock of said corporation upon any terms or conditions agreed upon, and may make such contracts or agreements as may be deemed expedient for the use, management, or control of said bridge; and said corporation shall have a right to sell and convey or lease said bridge and its appurtenances and franchises to any railroad company in or out of this State, upon such terms as may be agreed upon.

§ 8. Said corporation is hereby authorized, by vote of its directors, to consolidate its franchises and property with those of any other bridge company without this State whose object is to build a bridge at the same point, and may contract with such company for the purposes of fully uniting the interest of the two companies by consolidation or otherwise, and may change its corporate name by vote of said directors.

§ 9. The incorporators named herein, or a majority of them, may meet at any place in the said town of Uniontown, and open books for subscription of stock, and whenever two hundred and seventy shares of the capital stock shall have been subscribed for, the subscribers, upon ten days' notice of the time and place of meeting, published in some newspaper in Union county, shall meet and elect a board of directors, and said corporation shall then be entitled to commence business. Said company shall keep its chief office in the

Chief office.

town of Uniontown, Union county, Kentucky, where its books, papers, and records may be open at reasonable hours for inspection by the stockholders.

§ 10. The Legislature of Kentucky reserves the right to alter and amend the foregoing charter at pleasure, and to regulate the tolls on said bridge.

§ 11. This act to take effect from and after its passage.

Approved February 11, 1882.

## CHAPTER 152.

AN ACT to establish a public school in the Caseyville district, in Union county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That all the territory embraced in the following limits, to-wit: Beginning at the center of Fifth street, in the town of Caseyville, at low-water mark on the Ohio river; thence up the river, with the course thereof, to Shotwell's Tip; thence with the Coal Railroad to the New Caseyville and Dekoven Road; thence to the culvert across Duffy's branch on said road; thence a straight line across to the Morganfield and Caseyville Road to the point between Davis' mines and Mrs. Sprague, where Locust creek crosses said road; thence around the lands of E. H. Wathen and A. J. M. Thompson, and including them, to the Commercial Point Road; thence around and including the lands of Chas. Anderson and wife, J. H. Rudy, and A. J. M. Thompson to the lane between Mrs. Barnes and J. H. Rudy (Casey's Mines Roads); thence in a southwesterly direction, a straight line with said lane, to the Ohio river; thence with said river to the beginning, shall be, and is hereby, incorporated as one public school district, and shall be under the control of a board of five trustees, who are to hold office until their successors are elected and qualified as hereinafter provided. Boundary.

§ 2. Said board of trustees and their successors in office shall constitute and be styled the board of trustees of the Caseyville public school, and by that name be a body-politic and corporate, with power to sue and be sued, contract and be contracted with, buy, sell, purchase, hold, acquire, and convey personal or real estate, subject to the limitation here- Style.

inafter provided, and to have perpetual succession, and shall be deemed the successors of the public or common school district trustees as at present established and embraced in said territory, and the title to all public or common school property in said new district shall vest in and belong to, and be disposed of by, said board and their successors forever.

Oath.

President, secretary, & treasurer.

§ 3. The said trustees, before entering upon the discharge of their duties, shall take an oath faithfully and to the best of their ability to discharge the duties of their office, and shall, within one month after the passage of this act, meet and organize by electing one of their number president, and appoint a suitable person to act as secretary, also one to act as treasurer; and should the president be absent at any meeting, said trustees shall choose one of their number president *pro tem.*, who, for the time being, shall have the same power and discharge the same duties as the president.

Terms.

§ 4. The secretary and treasurer shall hold their offices respectively for one year, and until their successors are appointed and qualified; and in case of vacancy in either office, the board shall fill same by appointment, either temporarily or permanently as to secretary, but permanently as to the treasurer. Said officers shall perform such duties as usually pertain to their offices respectively, or may be required of them by the board, and shall receive such compensation as the board may determine.

Publication of act.

§ 5. Said board shall, as soon as practicable after the passage of this act, publish the substance in brief of the same for the information of the public, and call an election, giving not less than thirty days' notice thereof, by publication in a paper published in the county, and having the largest circulation in said district, and by written or printed notices posted in at least five public places therein, submitting to the legal white voters in said district, and those entitled to vote under the provisions of this act, the question whether the act shall be adopted in said district; and at the same time shall be elected five trustees in the room of those hereinafter named.

Election.

The presiding judge of the Union county court shall provide two suitable persons to act as managers of elections held under this act, whose duty it shall be to keep a correct and fair list of all votes cast, by whom and how cast, and they shall report the same to the board of trustees then in office, and said board shall examine and compare the polls, and give to each



of the members elected a certificate thereof, if required, and shall certify the result of the election to the county court, and said court shall, at its first regular term thereafter, cause said certificate to be recorded or entered upon its minute-book, and the original filed in the office of the county clerk, and copies thereof shall be evidence in all cases as other copies from said records. At the first election held here-  
under, the following question shall be propounded to each person voting: "Are you for or against the public school bill?" and all persons voting for it shall be counted as voting in favor of the adoption of this act in said district, and those voting in the negative shall be considered and counted as voting against its adoption; and only in the event that a majority of all the votes of those entitled to vote under the provisions of this act be cast for it, shall its provisions be adopted in said district. Question.

§ 6. All white males twenty-one years old and over, who have resided in said district the requisite length of time to be entitled to vote for Representatives in the General Assembly, and all such persons owning real estate in said district or other property permanently and bona fide within said district, and subject to taxation therein under the provisions of this act, shall be deemed qualified voters at elections held under this act, unless disqualified from voting at elections under the general laws of the State by reason of crime or other offense. Voters.

§ 7. The first election shall be held at such time as the trustees hereinafter named shall fix, which time shall be as soon as practicable after the passage of this act; and subsequent elections shall be held on the first Saturday in June in each year.

§ 8. Said board of trustees shall have full control of said public school, and of all the property or funds belonging thereto, or which may accrue to them in any way, or for their establishment, management, or maintenance under this act. Trustees' powers

§ 9. Said board shall have power to fill any vacancy in the board; to make all by-laws, rules and regulations, for its own government, and that of its officers and appointees, and for the proper dispatch of business, not inconsistent with this act or the general laws of the State, and shall cause to be kept a record of the names of its members when elected or ap- By-laws and rules.

pointed and qualified. The president of the retiring board, or any other person authorized to administer an oath, shall be authorized to administer the oath of office to newly elected members or the president of the board may administer such oath to a member appointed to fill a vacancy, or to any other officer required to be sworn before entering upon the discharge of his duties. Said board shall fix the times of its meetings, which shall be at least once a month. A majority of said board shall constitute a quorum for the transaction of any business, and may enforce their rules by fines and penalties to be assessed by the board and recovered before any court having jurisdiction of the amount.

Qualification of trustees. § 10. No person shall be eligible to said office of trustee, except he be a qualified voter of the district and resident therein. The board shall cause to be kept in a well-bound book a correct record or journal of all business or other transactions done by the board, which book shall be open at all times to the inspection of the members of the board or to any committee appointed by the citizens of the district in a regular manner for said purpose, but to no other person, except by order or permission of the board, or of the officer in charge of the books. Certified copies from said books, attested by the secretary or president or officer in charge, shall be *prima facie* evidence of the truth of the matters recited therein in any court in this State.

Powers. § 11. Said board shall have power to appoint teachers and other persons necessary to carry on the school, fix their compensation, and prescribe rules for the government of the school, teachers and pupils, and to dismiss or suspend any of them, or provide how the same may be done; to prescribe the branches of education to be taught and books to be used; to grade the school and classes, and to prescribe the necessary qualifications of teachers and pupils, the mode of examination of teachers and of persons applying for admission to said school, and judge of and determine the right of admission.

§ 12. All white children over six years of age, and under twenty-one years of age, who reside in said district with their parents or guardians, and those so resident who are permanently, in good faith and of necessity, separated from their parents or guardians, and the children between said ages of parents or guardians who own property in said district subject to taxation under this act, shall be entitled to all

the benefits of the school, and of instruction in the departments thereof, free of charge; but persons having such charge of children from under the control of their parents or guardians shall, when required to do so, appear before the board and prove to the satisfaction of the board that the arrangement is in good faith and permanent, and not made or resorted to in order to evade the provisions of this act or obtain its benefits wrongfully, and in default of such showing said pupil shall be denied the privileges of the school, except as a non-resident pupil.

§ 13. Said trustees shall have an assessment made annually of all children in said district, or entitled to the benefits of the school, which shall be made as of the first day of July in each year; and no person not entitled to the benefits thereof on that day shall, by removing into said district, or otherwise, become entitled to the same, except upon the payment of the same tuition and charges as is required of non-residents, unless otherwise specially directed by the board of trustees. Assessment.

§ 14. No catechism or other form of religious belief shall be taught or inculcated, nor any class-book be used or adopted for said school which reflects upon any religious denomination; nor shall any class be so conducted or formed as to interfere with the religious belief of parent or child; but this section shall not be so construed as to prohibit the reading of the Scriptures and prayer as an opening exercise.

§ 15. The treasurer and secretary shall each be sworn before entering upon their duties, as is required of the trustees, and the treasurer shall give bond, payable to said board of trustees and their successors in office, in such sums or penalties, and with such security as shall be required by the board, to be approved and filed with the secretary, conditioned for the faithful performance of all his duties as treasurer, and that he will account for and pay over, as the trustees may direct, or to the proper person, all moneys coming to his hands by virtue of his office. It shall be his duty to receive and receipt for all moneys so coming to his hands, and to keep, in a suitable book, a correct and faithful account, and exhibit the same, and make to said board such reports in reference thereto as they may require. Said treasurer shall not pay out any money, however, except upon the order of the board in regular session made, or upon the written order of the president, countersigned by the secretary. Oath.

Report.

§ 16. Said board shall, at the end of each scholastic year, make out and cause to be published or posted a statement showing the number of pupils attending the school, the condition of the property, the amount collected, and how expended of school funds, and a report of the indebtedness of the board, and condition of the treasury; and may report such other matters affecting the school as may seem to them proper and necessary.

Assessor.

§ 17. Said board of trustees shall provide funds sufficient, and it shall be their duty, to purchase such lots or grounds, and erect such buildings thereon as may be necessary for the purposes of the school; and provide sufficient funds out of which to pay the salaries of teachers and other persons, and the expenses of the school from year to year; and to this end they are given power and authority, and it is made their duty, to have assessed, by a suitable person, who shall be sworn as other officers herein provided for, all the real and personal estate situated or owned in said district, which is subject to taxation for State or county revenue purposes, and shall be made as of the 10th of January of each year; and the said assessor shall have the same authority and powers as to property and persons, subject to said school tax, that the county assessor has in the discharge of the duties of his office; and shall, by the first of March in each year, return to said board a full and complete list of all the property in said district subject to taxation, with the value thereof, and the names and residence of the owners, if known, and if not known, a description of the property, in whose possession or where situated, for all of which he shall be allowed such compensation as the trustees may fix, and to be paid as they may direct. He shall also return a list of all the qualified voters under this act. The board of trustees shall then proceed to examine, correct, and revise said lists, and shall have the same powers in reference thereto that the county board of supervisors of taxes has; but said board shall not revise any list until after due notice to the person whose list they seek to revise, and said party may appeal from their revision to the county court. They shall, when their work of supervising said lists is completed, cause the secretary to transcribe the same into a suitable book, which shall have appended thereto a certificate showing that the same is the school tax-book of said district, and that the same has been examined

and found correct, which certificate shall be signed by the president, and attested by the secretary, and shall be in the custody of said secretary and board, except as hereinafter provided.

§ 18. Said board shall, for the purposes aforesaid, levy a Levy a tax. tax annually upon all the property in said district subject to taxation, of not exceeding one dollar on the one hundred dollars' worth of property owned by white persons in any one year, and a per capita or poll-tax of not exceeding two dollars on each legal white voter under this act not over fifty-five years of age; said taxes, when so assessed and levied, shall constitute a lien on the property of the person taxed, which shall only be subordinate to the lien for State and county taxes due thereon.

§ 19. The treasurer shall receipt to the secretary for said tax-book, and shall continue to collect and receipt for taxes due thereon until the first day of June in each year; but said taxes shall be due on the fifteenth of March. On the first day of June in each year he shall report to the board of trustees the amount of taxes collected and by whom paid, and who has failed to pay, and such as have not paid shall be deemed delinquent, and said board shall thereupon place the delinquent list in the hands of some suitable person for collection, and take from him a bond in such penalty and with such security as they may require for the proper collection and payment to the proper person of said delinquent taxes; and he shall, with his sureties, be responsible upon his bond for any failure of his duty in regard thereto, and shall receive the same compensation and fees as sheriffs receive for collecting taxes.

§ 20. The treasurer shall receive and receipt for all taxes or other moneys due and collected under the provisions of this act; and if, at any time after the taxes become due, and while in his hands, he believes it necessary to prevent the loss of any part of the same in any way, he may, and it shall be his duty, to proceed to collect the same, by levy or distraint and sale, in the same way as if in the hands of the collector, and subject to the same rules, regulations, and responsibilities.

§ 21. On or before the first of December in each year, the collector of said delinquent taxes shall settle with the board, and report all collections made or which he has failed to make, and said board shall have the same powers and discre-

tion as to allowing or disallowing him credit for his failures to collect that the county levy court has in similar matters with the collector of State and county revenue, and may sell, let out, or otherwise dispose of the claims still uncollected as may to said board seem best.

Pro rata school  
fund.

§ 22. After the establishment of a public school, as herein provided, shall have been had, it shall be the duty of the common school commissioner of Union county to make annually an estimate of the share of State school fund to which said district would be entitled under the general school laws, and pay the same to the said board of trustees, to be held and used by them as other funds.

§ 23. Said trustees shall fix the rates of tuition and terms upon which pupils other than such as are entitled to the privileges of the school, under the provisions of this act, shall be admitted thereto.

§ 24. Said trustees may provide rules for the sale of scholarships in said school by which persons lending a sufficient sum of money, for a length of time to be agreed upon, shall be entitled to one scholarship during the period of the loan in lieu of interest, and persons donating to said school district for the establishment or maintenance of the school a sufficient sum, shall be entitled to one scholarship for a certain length of time. Certificates of scholarships shall entitle the persons holding them to the same privileges as if resident in the district.

§ 25. Said trustees shall not be authorized to acquire or hold property under the provisions of this act exceeding \$25,000 in value when acquired; but all property held or acquired by them shall be exempt from the payment of taxes.

Trustees.

§ 26. The following named persons, to-wit: John W. Dyer, Jno. W. Gregory, J. M. Tate, S. S. Finnie, sr., and P. G. Kelaey are hereby made and constituted as trustees of said school district, and are incorporated as such, and shall perform the duties required of the said board until their successors are chosen, elected, or appointed as herein indicated.

Powers of col-  
lector.

§ 27. The collector of taxes for said school district, or the person discharging his duties, shall have the same rights and powers as to levying, distraining, and selling for said taxes, anywhere in the county, as is or may be conferred upon the collector of State and county taxes; and in selling and conveying property levied upon, he shall proceed in the same

way, and his sales and conveyances shall have the same effect, and be recorded in the same way, and shall be evidence to the same extent.

§ 28. This act shall take effect from and after its passage.

Approved February 11, 1883.

## CHAPTER 153.

AN ACT to amend the charter of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thoroughfares, and shall be under the exclusive management and control of said city, with power to improve them by original construction and re-construction thereof, as may be prescribed by ordinance. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and re-construction thereof, and shall be made and done as may be prescribed, either by ordinance or contract, approved by the general council.

Public ways defined.

§ 2. When the improvement is the original construction of any street, road, lane, alley, or avenue, such improvement shall be made at the exclusive costs of the owners of lots in each fourth of a square, to be equally apportioned by the general council according to the number of square feet owned by them respectively, except that corner lots (say thirty feet front and extending back, as may be prescribed by ordinance), shall pay twenty-five per cent. more than others for such improvements. Each subdivision of territory, bounded on all sides by principal streets, shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public way shall state the depth on both sides fronting said improvement, to be assessed for the cost of making the same according to the number of square feet owned by the parties respectively, within the depth as set out in the ordinance. A lien shall exist for the cost of original improvement of public ways, for the re-construction of sidewalks, and for the digging and walling of public wells and cisterns; for the apportionment and interest thereon

at the rate of six per cent. per annum against the respective lots, and payments may be enforced; but no ordinance for any original improvement mentioned in this act shall pass both boards of the general council at the same meeting; and at least two weeks shall elapse between the passage of any such ordinance from one board to the other, upon the property bound therefor by proceedings in court; and no error in the proceedings of the general council shall exempt from payment, after the work has been done as required by either the ordinance or contract; but the general council, or the courts in which suits may be pending, shall make all corrections, rules, and orders to do justice to all parties concerned; and in no event, if such improvement be made as is provided for either by ordinance or contract, shall the city be liable for such improvement without the right to enforce it against the property receiving the benefit thereof.

§ 3. The cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned to the front foot as owned by the parties respectively fronting said improvement, except that each corner lot shall pay the cost of its sidewalk intersection.

§ 4. The general council may, in its discretion, upon the petition of a majority of the property owners on the part of a public way proposed to be improved, grant them permission to improve said public way under the supervision of the city engineer, and within such time as may be fixed by the general council. When improvements in public ways have been made, or public wells or cisterns dug and walled, and the contract therefor completed, the city engineer shall, by one insertion in one of the daily newspapers published in Louisville, give notice of the time and place fixed for the inspection and reception of the work by the city engineer, or either of his assistants or deputies; and such owners, their agents and representatives, may appear and be heard before such engineer, his assistant or deputy, as to whether such improvements have been made in accordance with the ordinance authorizing the same and the contract therefor.

§ 5. In all actions to enforce liens as authorized by this act, a copy of the ordinance authorizing the improvement or work, a copy of the contract therefor, and a copy of the apportionment, each attested by the clerk of the board of councilmen, shall be proof conclusive of the due passage, approval,



and publication of the ordinance, of the due execution and approval of the contract, and shall be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to entitle him to the relief authorized to be given in this act; and in all such actions the court shall provide, in its order confirming any report of sale, that the defendants, or either of them, or any one claiming by, through, or under them, or either of them, or any creditor of theirs, or either of them, may, within two years from the date of such order confirming a report of sale, redeem the land sold by paying to the purchaser the purchase price, with interest thereon from the day of sale at the rate of ten per cent. per annum, and all the taxes and assessments on and against such land paid by such purchaser, with interest thereon at the rate of ten per cent. per annum from the date of such payments; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 6. The act of the General Assembly approved on the 22d day of April, 1880, and entitled "An act to amend an act, entitled 'An act to amend the charter of the city of Louisville,' approved February 20, 1873," is hereby repealed in all of its parts.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 11, 1882.

#### CHAPTER 154.

AN ACT to amend an act, entitled "An act to incorporate the Baptist Church at Shelbyville," approved March 1st, 1860.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the members of the Baptist Church of Shelbyville, in Shelbyville, Shelby county, Kentucky, be, and are hereby, created a body-politic and corporate, by the name and style of "The Baptist Church of Shelbyville," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being pleaded, of acquiring by purchase,

Style.

gift, devise, lease, or otherwise, and of holding real estate and personal estate, and shall have power to manage and control the same; and shall have power to receive all conveyances of the same; and may sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire, and to re-invest the proceeds thereof in such real or personal estate for the use of said corporation, as they may deem proper: *Provided*, That the real and personal estate owned by the church shall not at any time exceed in value fifty thousand dollars.

Trustees.

§ 2. That the real and personal estate of said corporation shall be managed by a board of trustees of said corporation; and said board of trustees shall be composed of five members of said church, and shall be elected annually by the members of said church, at some regular church meeting for business, to be fixed by said corporation; and they shall continue in office one year from their election, and until their successors shall be elected and qualified. The said trustees shall have the power to choose from their own body a president, secretary, and treasurer; and shall have power to fill vacancies in their own body until the next regular election. All moneys that shall come into the hands of said trustees shall be invested or paid out by them as directed, by order made at some regular meeting for business of the members of said corporation, by a majority of those present at said meeting; and no money shall be paid out or invested by the treasurer of said board of trustees, except upon order of said board of trustees made in compliance with the order of said corporation, and signed by the president, and countersigned by the secretary of said board of trustees.

Officers.

§ 3. That upon order of said corporation made at some regular church meeting for business, by a majority of the members present at said meeting, the board of trustees shall have power to sell and convey any real estate belonging to said corporation, and make full and perfect title thereto to the purchasers thereof; and said conveyance shall be signed and acknowledged by a majority of said trustees, and when signed and acknowledged by said majority the conveyance of said property shall convey a perfect title to the same to the purchaser.

Powers of trustees.

§ 4. The said board of trustees shall have power to transact any business pertaining to their duties at any time when

a majority of them shall be present, and at all meetings a majority shall constitute a quorum to do business. They shall keep a record of their acts and business, and shall make a report thereof annually to the church.

§ 5. That said corporation shall have power to establish, amend, or repeal such by-laws, rules and ordinances, not inconsistent with this charter, the Constitution or laws of this State or of the United States, as it shall deem necessary for the supervision and government of said corporation or its affairs or its members; and at any meeting whatever shall have power to receive any person into its membership, or to exclude any member from its membership; and it is hereby invested with all other powers and authority incident to similar institutions. By-laws and rules.

§ 6. That a majority of the members of said corporation present at any meeting shall constitute a quorum to do business. Quorum.

§ 7. That the moneys subscribed or collected for the ordinary current expenses of the corporation shall not be managed by the board of trustees, but shall be collected and disbursed by persons appointed by order of the corporation.

§ 8. That upon the qualification of the board of trustees elected pursuant to section second (2d) of this act, the rights and powers and duties of the present trustees of the Baptist Church at Shelbyville shall cease, and their term of office shall expire, and the title to all property now vested in said trustees is hereby vested in the corporation, "The Baptist Church of Shelbyville."

§ 9. This act shall take effect from its passage.

Approved February 11, 1882.

## CHAPTER 155.

AN ACT to incorporate the Cave Hill Investment Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby incorporated the Cave Hill Investment Company, who shall, when organized as hereinafter directed, have full authority to contract and be contracted with, sue and be sued, and have such authority and power as a natural person would have in executing and carrying out the object of its incorporation.

§ 2. There shall be five directors of said company, who shall have the control and management of its affairs. These directors shall be lot-owners in Cave Hill Cemetery. The president of Cave Hill Cemetery Company shall be one of said directors, and the other four directors shall be elected by the board of managers of Cave Hill Cemetery Company. The said managers shall, at one of its regular meetings in the year 1882, elect four directors. These directors shall be elected for the term of two, four, six, and eight years, respectively, and the board of managers shall, at the time of the election, designate the term and time for which each director is elected. The said board of managers of Cave Hill Cemetery Company shall, every second year thereafter, elect one director in this said company. The term of the directors elected after the first election shall be eight years, and each director shall continue in office until his successor is elected. If a vacancy shall occur by death or otherwise during the term of any director, the vacancy shall be filled by the other directors of this company.

§ 3. The directors of the company shall elect one of their number president of the board, and shall elect a treasurer and a secretary, who may be the same person and need not be a director. The board of directors shall prescribe the duties of the officers of the company, and shall require of the treasurer a bond with good security in the penalty of at least twenty thousand dollars.

§ 4. This company is authorized to collect and receive from Cave Hill Cemetery Company any and all sums which may be coming from the Cave Hill Cemetery Company and any other corporation or person. It is authorized to receive donations, gifts, devises, and bequests, upon such terms as may be consistent with the object of its incorporation.

§ 5. It shall be the duty of the president and directors of this company to invest and keep invested all the money belonging to the company in the bonds of the United States, the bonds of the State of Kentucky or the bonds of the city of Louisville, but they may invest in other good and safe securities if the president and all the directors of said company shall consent thereto, in writing, before said investment is made, and if a majority of the managers of the Cave Hill Cemetery Company also consent, in writing, before said investment is made. These consents shall be recorded in

record-book of each board respectively; and if any other investment is made except as herein provided, the directors making or consenting to the same, shall be personally liable for any loss arising from such investment.

§ 6. The money and property of this company shall be a sacred fund, which shall be held and applied for the protection, preservation, and ornamentation of the grounds of Cave Hill Cemetery. All of the income arising from the property of the company, after paying the necessary expenses of the company, shall be invested and reinvested as provided in section five, and no part of the principal or the income arising from the funds and property of the company shall be used for any purpose whatever, except for necessary expenses of the company until eight tenths of the burial lots which are or may be laid off in the ground now owned by Cave Hill Cemetery Company are sold, or until said investment fund shall be, at its par value, worth \$200,000. After said lots are sold, or after the par value of said fund is \$200,000, the board of directors of the company shall devote such part of the net income arising from the funds and property of the company as may remain after the payment of the necessary expenses of the company toward the protection, preservation, and ornamentation of the grounds of the Cave Hill Cemetery Company; but no part of the principal fund shall ever be used. The income which is thus devoted shall not be used by the board of directors of this company, but be paid over to the managers of Cave Hill Cemetery Company to be used and applied to the protection, preservation, and ornamentation of said grounds: *Provided*, That nothing in this section shall prevent this company from securing gifts, donations, bequests, and devises, and using the same as directed by the donors.

§ 7. The board of directors shall, in the months of January and July of each year, make a true and full report of the condition of its affairs, and within thirty days thereafter send a copy thereof to the board of managers of Cave Hill Cemetery Company. The board of managers of Cave Hill Cemetery Company shall have the right at all times to examine into the condition of this company, and for that purpose shall have full and free access to the books and papers of the company.

## LAWS OF KENTUCKY.

§ 8. The president and directors shall have authority to make any by-laws not inconsistent with this act or the laws of the State.

§ 9. This act shall take effect from its passage.

Approved February 11, 1882.

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## CHAPTER 156.

AN ACT authorizing W. H. Gough, clerk of the Meade county court, to act as guardian for Agnes and Henry Malin.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be, and it is hereby, made lawful for W. H. Gough, who is clerk of the Meade county court, to be appointed by the Meade county court as guardian for Agnes and Henry Malin, and it shall be lawful for said W. H. Gough to accept such appointment, and to act thereunder.

§ 2. Neither the appointment of W. H. Gough as guardian for said infants, nor his acceptance of such appointment, nor his acting under such appointment, shall be incompatible with his holding the office of clerk of the Meade county court.

§ 3. In so far as section 14 of article 13 of chapter 28, General Statutes, or any other law of this State is in conflict with this act, the same is hereby repealed.

§ 4. This act shall take effect from its passage.

Approved February 11, 1882.

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## CHAPTER 157.

AN ACT to require the clerk of the circuit court and of the common pleas court of Woodford county to re-label the papers, and to prepare a general and cross-index for the suits in his office.

WHEREAS, It appears that a general and cross-index to the judgments, decrees, and orders of the Woodford circuit and common pleas courts is absolutely necessary, and that the clerks of said courts have heretofore failed to make the same; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the clerk of the Woodford circuit and common pleas courts be, and he is hereby, required to make out and

complete a general and cross-index of the decrees, judgments, and orders of said courts, and that he be, and is hereby, further required to arrange and re-label all the papers in said office.

§ 2. The court of claims of Woodford county is hereby required to make such orders of allowance therefor, payable out of the county levy, as the Woodford circuit judge and common pleas judge may make and certify as fair compensation for same.

§ 3. This act shall take effect from its passage

Approved February 11, 1882.

#### CHAPTER 158.

AN ACT to authorize the court of claims of Mason county to sell or improve the county jail, and to issue bonds and levy a tax for the building of a new jail-house and jailer's residence.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the court of claims of Mason county, Kentucky, a majority of the justices being present, be, and it is hereby, authorized and empowered to sell and convey the property now occupied as a jail and dwelling-house in said county, at such time, and upon such terms and conditions, as it may see fit, same to be done by and with the consent of the proper authorities of the city of Maysville, provided said consent should be necessary and legal to properly convey same.

§ 2. Said court of claims shall have power, by an order of record, to authorize the county judge to make and sign the deed of conveyance for old jail property, and the sale shall be at public or private vendue.

§ 3. Said court is authorized to invest the proceeds arising from the sale of said jail property in other property suitable for the purposes of a jail.

§ 4. Said court of claims, on behalf of the county of Mason, is hereby authorized to purchase a suitable site upon which to erect a new jail and dwelling for the jailer; and if same cannot be purchased at private sale, then said court, in the name of the county of Mason, shall institute proceedings to condemn any and all property necessary and suitable, by writ of *ad quod damnum*, as now prescribed in the General Statutes.

May purchase  
site for jail.

Committee—duties. § 5. Said court is empowered to appoint a committee to ascertain and report to said court a suitable site or sites, plan or plans, for said jail, together with the probable cost of a jail, and the grounds and all buildings necessary, and shall pay all costs of said committee; and may send them to view the most improved jails; and may employ an architect if necessary.

May issue bonds § 6. The county of Mason, through its said court of claims, is authorized to issue bonds of the county for the purpose of purchasing a site for, and erecting a jail and dwelling for, said county, to the extent of fifty thousand dollars, said bonds to bear interest at six per cent., payable semi-annually, and to run not less than five years nor more than twenty years, as said court may prescribe, and be redeemable at any time after five years, as said court may prescribe; said bonds to be signed by presiding judge of the county court and the clerk of said court, and to be for not less than five hundred nor more than one thousand dollars each.

Tax. § 7. Said court of claims is authorized and empowered to levy an annual tax of not less than four cents nor more than ten cents on each one hundred dollars' worth of taxable property in Mason county, for the purpose of paying the interest on said bonds, and creating a sinking fund for the redemption of said bonds.

Sinking fund commissioners' term. Treasurer—bond § 8. Said court of claims is authorized and empowered to elect, every four years, three good and competent men, who shall constitute a board of sinking fund commissioners, to whom shall be given the control and management of all money arising from taxes levied under this act. Said commissioners shall hold their positions for four years, and until their successors are elected and qualified; and said board of sinking fund commissioners shall, annually, on the second Monday in May, select one of their number as treasurer, who shall give bond in the Mason county court, with security, in double the amount of any and all funds that have or may come into his hands, and said treasurer shall collect of, and receipt to, the sheriff or other collecting officer for all taxes levied under this act, and shall pay the interest semi-annually on the herein described bonds, and report his acts to the court of claims at its annual session on second Monday in May.



§ 9. Said board of sinking fund commissioners shall have power to loan out any surplus funds in the hands of its treasurer, investing same in safe interest-bearing securities of State, county, municipality, or United States.

Powers of commissioners.

§ 10. The court of claims shall designate where the interest and bonds shall be payable.

§ 11. In case of a vacancy in the board of sinking fund commissioners, said vacancy shall be filled by the remaining commissioners until the next regular or called term of the court of claims, at which time the court of claims shall proceed to fill said vacancy or vacancies.

Vacancy.

§ 12. In case said court of claims should desire to build upon the present site of the jail, nothing in this act shall be construed to prohibit it from so doing, but it is authorized to repair the old jail, or tear it down, and build a new one on same site, and issue the bonds and use the money arising from sale of same, and elect board of sinking fund commissioners, and do all other acts herein named.

§ 13. Said court of claims is hereby empowered and authorized, through its legally appointed agents and officers, to do any and all acts that may be requisite and necessary to enable it to erect or repair and make a suitable and comfortable jail and dwelling, and all necessary buildings, walls, cages, &c., for the use of said county of Mason; and this act is intended to give them all power necessary to accomplish said object.

§ 14. This act shall be in effect from its passage.

Approved February 11, 1882.

## CHAPTER 161.

AN ACT to amend the charter of the Paducah, Hinkleville and Blandville Gravel Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That time is hereby granted to the Paducah, Hinkleville and Blandville Gravel Road Company to repair the same until the 1st of January, 1884.

§ 2. Said company shall not collect or receive any tolls from persons using said company's road until the same is put in repair as required by law; and said company shall not be liable

to indictment or suit because of its being out of repair, or be liable for damages to person or property, so long as the company does not collect toll from persons using the same.

§ 3. This act shall take effect from and after its passage.

Approved February 11, 1882.

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#### CHAPTER 162.

AN ACT to amend an act, entitled "An act to create and regulate the office of county treasurer for Bourbon county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 3 of said act be amended by striking out the eighth and ninth lines, and inserting in lieu thereof, "in the month of December of each year, or as soon thereafter as possible, such sheriffs and collectors shall settle their accounts with the county judge," and by striking out the word "treasurer," in the eleventh line, and inserting in place thereof the words "county judge," and by adding to fifth section the words "and the settlements authorized by this amendment."

§ 2. This act shall take effect from its passage.

Approved February 11, 1882.

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#### CHAPTER 163.

AN ACT to amend the charter of the Home of the Innocents, Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act to incorporate the Home of the Innocents, approved April 23d, 1880, be, and the same is, amended as follows: That the present board of directors are hereby authorized and empowered to increase the board of directors to such number as they may deem necessary to better secure the objects and promote the interest of the said institution.

§ 2. That this act take effect from its passage.

Approved February 11, 1882.

CHAPTER 164.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors within three miles of Pee Dee, in the county of Christian.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors, or a mixture of either, in any quantity whatever, within three miles of Pee Dee town, in Christian county.

§ 2. That if any person shall violate the provisions of the first section of this act, such person, on conviction thereof, shall, for each violation of said section, be fined in the sum of Fine. fifty dollars.

§ 3. This act to take effect and be in force from its passage.

Approved February 11, 1882.

CHAPTER 167.

AN ACT to authorize S. E. Sheets, of Hardin county, guardian of John A. Branch, an infant, to pay him any amount ascertained by a final settlement to be due said infant, and to legalize his receipt therefor.

WHEREAS, It appears that S. E. Sheets, of Hardin county, is the statutory guardian of John A. Branch, who is an infant over twenty years of age, married, and of sound mind; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That S. E. Sheets, of Hardin county, guardian of John A. Branch, be, and he is hereby, authorized to pay over to his said ward all money ascertained to be due him on a settlement made as required by law, and to deliver to him any property to which said ward is entitled, and to take his receipt therefor, which receipt shall have the same force and legal effect as if said Branch were of lawful age.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1882.

## CHAPTER 168.

AN ACT authorizing and empowering the Trigg county court to issue, sell, and dispose of the bonds of Trigg county, and provide for the payment of said bonds and interest thereon.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for the purpose of enabling the Trigg county court to build new clerks' offices for said county by remodeling the court-house or otherwise, and altering and improving said court-house in Cadiz, the county court of Trigg county, a majority of the justices of the peace of said county being present and concurring therein, may cause the bonds of the said county, not exceeding in the aggregate the sum of ten thousand dollars, of the denominations of not less than one hundred nor more than one thousand dollars, as the court may direct, to be prepared and executed (on printed forms), under the seal of the county court, signed by the presiding judge of the court, and countersigned by the county court clerk, payable to bearer at such place as the court may fix, and at not less than two years nor more than ten years from date, and not to bear a greater rate of interest than six per cent. per annum, payable annually from date until paid, and redeemable at any time after two years from date, with the interest coupons attached, which shall be signed by the county court clerk only, and he shall keep a list of all aforesaid bonds showing the number, date, amount, time due, to whom delivered, and when delivered, which shall be carefully preserved in his office.

May issue bonds

Interest.

§ 2. The said county court shall have full power and authority to sell and dispose of and deliver to the purchaser the bonds herein provided for, and for the payment of same and interest, in such manner and at such time as it may think proper, through or by a commissioner or agent appointed by the said court: *Provided*, None of the said bonds shall be sold for less than par or face value thereof.

§ 3. The said county court may appoint a commissioner or agent to sell and dispose of and deliver said bonds under the provisions of this act, and he shall, before proceeding to act as such, be first duly sworn faithfully to discharge his duties, and shall also execute bond in said court with good and sufficient surety, to be approved by the said court, for the faithful performance of his duties, and that he will pay over in due

Commissioner's—  
duties.

Bond.

time to the proper person any money received by him from sale of said bonds.

§ 4. The said county court may deliver the said bonds to the said commissioner or agent, at such time and in such number and amount as they may deem proper, and he shall sell and dispose of same under the provisions of this act as the court may direct, and pay over the money received for same to the person appointed by the court to receive same. Said commissioner shall keep an accurate list of the number, date, amount, and time when due, to whom sold, and the amount for which sold of all aforesaid bonds which may come to his hands, and are sold or remain unsold, and shall make a full and complete report to said court, together with the said list of bonds.

§ 5. The said county court may appoint some good and suitable person receiver and treasurer under this act, to receive from said commissioner or agent the money arising from the sale of the bonds mentioned and provided for in this act, and pay out the same as the court may direct. That said receiver and treasurer, before proceeding to act as such, shall be first duly sworn to faithfully discharge his duties, and shall execute bond in said court with good and sufficient surety, to be approved by the said court, for the faithful discharge of his duties, and pay to the proper person in due time any money in his hands as such receiver and treasurer; shall keep an accurate account of all money received and paid out by him, and shall make a full settlement of his account and vouchers when required to do so by the said county court.

Receiver and treasurer.

Oath.

Bond.

Settlement.

§ 6. That for the purpose of raising the money to pay off the bonds provided for in this act and any interest thereon, the county court of said county, a majority of the justices of the peace of said county being present and concurring therein, may levy an ad valorem tax of not exceeding ten cents on the hundred dollars' worth of taxable property in said county.

May levy tax.

§ 7. The tax herein provided for shall be collected by the sheriff of said county, at the same time the State revenue is collected, and for collecting same he shall be allowed the same commission now allowed him by law for collecting the revenue tax; but before he shall proceed to collect the tax herein provided for, he shall execute bond, with good and ap-

proved security, in the county court for the faithful performance of his duties in collecting and paying over the said tax to such person or persons as the court may direct.

§ 8. The tax herein provided for shall be levied at any time during this year after the passage of this act, and for this purpose the presiding judge may, at any time, call the justices of the peace of said county together.

§ 9. This act may continue in force for six years, and shall take effect from its passage.

Approved February 11, 1882.

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#### CHAPTER 169.

AN ACT to prohibit the sale of spirituous, vinous, and malt liquors within four miles of Greenwood, in Pulaski county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors within four miles of Greenwood, in Pulaski county, and the county court of said county shall not grant license to any saloon or tavern with the privilege of selling such liquors within said boundary.

§ 2. Any person violating the provisions of this act shall, upon conviction thereof before a justice of the peace, the judge of said county, or upon indictment of a grand jury, be fined in any sum not less than twenty-five nor more than one hundred dollars.

§ 3. This act shall take effect from and after its passage.

Approved February 11, 1882.

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#### CHAPTER 170.

AN ACT authorizing the police judge of Hartford police court to change the time of holding the court terms of his court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the civil terms of the Hartford police court shall hereafter be held on the fourth Mondays of March, June, September, and December of each year.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1882.

CHAPTER 171.

AN ACT to incorporate Robertson County Normal School.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Rev. H. J. Ramey, principal; G. W. Bratton, A. Trustees.  
G. Asbury, E. Kenton, and others, who, by mutual agree-  
ment, for a term of five years, have formed an educational  
association, be, and they are hereby, constituted a body-poli-  
tic, under the style and name of the trustees of Robertson Style.  
County Normal School, an institution of learning for the  
thorough training of both sex in English literature, located  
in the town of Pin Hook, Robertson county, Kentucky; and  
by that name shall have a perpetual succession during the  
period for which the association has been formed.

§ 2. Said Ramey, as principal, or his successor in office, Principal.  
shall have power to confer diplomas or other tokens of merit  
allowed by law to be conferred by similar institutions; and  
shall also exercise such influences as shall be promotive of  
good and wholesome moral principles, but shall allow no bias  
against any legitimate religious or political tenet of either-  
patron or pupil.

§ 3. This act shall take effect and be in force from and after  
its passage.

Approved February 11, 1882.

CHAPTER 172.

AN ACT for the benefit of W. P. Taulbee, clerk of the Magoffin county  
court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That after the passage of this act, it shall be lawful for  
W. P. Taulbee, clerk of the Magoffin county court, to prac-  
tice law in all the courts of this Commonwealth, except  
Magoffin county court.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1882.

## CHAPTER 173.

AN ACT to amend an act, entitled "An act to incorporate the Presbyterian Female School, of the city of Louisville," approved March 6th, 1854.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of trustees of the corporation named  
 May issue bonds in the title of this act shall have power to issue negotiable bonds, to an amount sufficient to liquidate its indebtedness, and secure the same by a deed of trust or mortgage upon its property, real and personal; said bonds to bear not exceeding six per centum interest, payable semi-annually, for which coupons may be executed.

§ 2. This act shall take effect from its passage.

Approved February 11, 1882.

## CHAPTER 174.

AN ACT to prohibit the sale, loan, or gift of spirituous, vinous, or other intoxicating liquors, within one mile of the South Elkhorn Christian Church, at the village of South Elkhorn, in Fayette county, and within one mile of the South Elkhorn Baptist Church, at the village of Slickaway, in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sale, loan, or gift of any spirituous, vinous, malt, or other intoxicating liquors, within one mile of the South Elkhorn Christian Church, at the village of South Elkhorn, in Fayette county, and within one mile of the South Elkhorn Baptist Church, at the village of Slickaway, in said county, be, and the same is hereby, prohibited.

§ 2. Any person who shall violate the first section of this act shall be liable to a fine of fifty dollars for each offense, recoverable by indictment of the grand jury of Fayette county, or by a warrant of a justice of the peace in said county.  
 Fine.

§ 3. All fines collected by virtue of this act shall be appropriated to the use of the common schools in the South Elkhorn election precinct in said county.

§ 4. This act shall take effect from its passage.

Approved February 11, 1882.



## CHAPTER 175.

AN ACT to incorporate the Fifteenth and Jefferson Street Church at Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That R. S. Johnson, John James, and Granville Hilton, Trustees.  
the present trustees of said church, and their successors in office, and the officers and members of said church, be, and they are hereby, created a body-politic and corporate, by the name and style of the Fifteenth and Jefferson Street Christian Church at Louisville; and by that name to have perpetual succession; and may purchase, take by devise, bequest, gift, or deed, any real or personal estate or property not exceeding one hundred thousand dollars in value, and the same to hold for the only use and benefit of said church according to the discipline and economy of the same; and sell, mortgage, lease, convey, or otherwise dispose of the same; and to sell, mortgage, lease, convey, or otherwise dispose of the property now owned by said church, and to have and exercise all the powers necessary for and incident to religious corporations not inconsistent with the Constitution and laws of the United States or State of Kentucky; and by that name to contract and be contracted with, sue and be sued, plead and be impleaded, so far as it may be necessary to protect the property, rights, titles, privileges, and immunities of said church, and to secure any demands due to said church, and to use and employ said property solely for the use and purpose of carrying out the religious interest of said church.

§ 2. That said trustees and their successors may borrow money for the use of the church, and to secure the payment of the same may mortgage any of the property now owned, or that may hereafter be owned, by said church: *Provided*, They shall be directed so to do by a majority of the congregation present, by a vote taken after public notice of the time and place of the meeting at which the vote is taken has been given, which vote is to be entered upon the records of the church.

May borrow  
money.

§ 3. All conveyances, mortgages, leases, or bills of sale must be made and signed by the trustees for the time being, or by a majority of said trustees, and all instruments so authorized and signed for the use and benefit of the church shall be binding upon said corporation.

f

Trustees.

§ 4. Said R. S. Johnson, John James, and Granville Hilton are hereby appointed trustees of said church, to continue in office until their successors are duly appointed by the church.

§ 5. This act shall take effect from its passage.

Approved February 11, 1882.

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#### CHAPTER 176.

AN ACT to amend an act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of the court-house in the town of Edmonton, approved February 6th, 1872.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section two of an act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of the court-house in Edmonton, approved February 6th, 1872, be amended by inserting the words "not less than ten nor more than," in the fourth line of said second section, just after the words "shall be fined," and just before the words "one hundred dollars," in said fourth line of said second section.

Approved February 11, 1882.

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#### CHAPTER 177.

AN ACT to amend an act, entitled "An act to amend the charter of the Cave Hill Cemetery Company," approved February 9th, 1864.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Cave Hill Cemetery Company shall, from and after July 1st, 1882, pay to the Cave Hill Investment Company one tenth of the proceeds of the sale of all lots thereafter sold by said company; and that said payment shall continue until the fund belonging to said investment company shall amount to (\$200,000) two hundred thousand dollars.

§ 2. These payments shall be instead of the payments required by the fifth section of the act to which this act is an amendment, and instead of the payments required by the contract entered into between the city of Louisville and Cave Hill Cemetery Company on the 24th of March, 1859, and shall be in lieu of all payments due under said contract and section.

§ 3. This act shall take effect from its passage; but it must be accepted by the general council of the city of Louisville, and by a majority of the votes cast by lot-owners voting at an annual election held for the election of a director or directors of the company.

Approved February 11, 1882.

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CHAPTER 178.

AN ACT to amend an act to incorporate the Cabin Creek and Springdale Turnpike Road Company, in Mason county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act chartering the Cabin Creek and Springdale Turnpike Road Company, approved March 12, 1880, be, and the same is hereby, amended as follows: That it shall be lawful for said company to locate their road, beginning at Springdale, in Mason county, and running down the Ohio river to the mouth of Bull creek, to connect with the Mason and Lewis County Turnpike, a distance of about two and a half miles, said extension to be constructed according to provisions of original charter.

§ 2. This act to be in force from its passage.

Approved February 11, 1882.

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CHAPTER 179.

AN ACT to charter the Bank of Burksville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established a bank in the town of Burksville, Kentucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of "The Bank of Burksville," and shall continue for twenty-five years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

**Directors.** § 2. Said bank shall be under the control and direction of five directors, each of whom shall be stockholders. They shall be residents of this State; and after the first election

**Election.** shall be elected annually on the first Monday in January in each year, and hold their office until their successors are elected and qualified. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have

**Powers.** power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may, at any time, choose to sell, to declare dividends, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sum as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed to be personal estate, and shall be assignable according to such rules as the directors may prescribe; but such corporation shall have a lien on the stock to secure any indebtedness of the stockholders: *Provided*, The certificate of stock shall be deposited with the bank as collateral.

**Commissioners.** § 3. W. G. Hunter, J. P. Frank, jr., W. F. Alexander, J. W. Williams, and M. O. Allen are hereby appointed commissioners, any two of whom may act, and open books and receive subscriptions for the capital stock; and when shares to the amount of twenty thousand dollars shall have been subscribed and paid for, it shall be their duty to give notice in one or more newspapers, and appoint a day for the election of a board of directors, who shall hold their office until the succeeding annual election. The directors may commence business upon the president's making affidavit that such sum has been actually paid in.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest as may be agreed upon with the depositors by special or general contracts; may deal in the loaning of money, exchange, promissory notes, bonds, stocks, bills of exchange, and other evidences of debt; take personal and

other securities, except real estate, for the payment thereof, and dispose of the latter as may be agreed upon in all respects as natural persons may lawfully do.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and they may make all needful by-laws for the government of said bank not inconsistent with the Constitution of the United States and the Constitution and laws of the State of Kentucky.

§ 6. It shall be the duty of the president, on the first Monday in January in each year, to pay into the Treasury of the State fifty cents on each hundred dollars of stock held and paid for in said institution, in full and in lieu of all other taxes upon its capital stock. Tax.

§ 7. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 8. The Legislature reserves the right to alter, repeal, or amend this charter at its pleasure.

§ 9. That this act shall take effect from and after its passage.

Approved February 11, 1882.

## CHAPTER 180.

AN ACT to incorporate the Lexington Street Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That R. T. Anderson, Wm. C. Goodloe, J. B. Morton, J. B. Wilgus, J. T. Slade, Richard West, Asa Dodge, T. C. H. Vance, R. S. Bullock, Squire Bassett, J. M. Kimbrough, J. H. Davidson, W. T. Withers, William H. May, and James McCormick, be, and they are hereby, corporated a body-politic and corporate, under the name of Lexington Street Railway Company; and under that name shall have perpetual succession, may sue and be sued, contract and be contracted with; may have a common seal, and alter the same at pleasure; may purchase and hold such personal and real estate as may be necessary for the conduct of such railway, and sell and convey the same at pleasure. Corporators. Style.

Powers.

§ 2. The said company is hereby authorized to construct and operate a street railway in the city of Lexington, Kentucky, and vicinity: *Provided*, That said railway shall not be built upon any street without the consent of the council of said city; and may extend its railway one mile or less beyond the city limits of said city, upon any of the roads running into said city; but no street or road shall be destroyed or rendered inconvenient by the location of the track of said road.

§ 3. The capital stock of said company shall not exceed one hundred thousand dollars, which stock shall be in shares of fifty dollars each, and shall be transferable by the holder thereof on the books of said company.

§ 4. The business of said company shall be managed by a board of seven directors, who shall elect from their number a president, and may appoint such other officers and agents as are deemed necessary. The corporators named in the first section of this act shall be the board of directors until the election of directors as provided in the fifth section thereof; and may at any time meet and organize as such; and in case of vacancy, from any cause, it shall be filled by the remainder of said board.

§ 5. Said corporators may, at any time, open books for the subscription of stock of said company, which subscriptions shall be binding upon the subscribers thereof; and when as many as two hundred shares shall be subscribed, said corporators shall call a meeting of the stockholders by giving due notice to each, at which seven directors shall be elected, to whom, and their successors, the management of the business of the said company shall be intrusted; and said directors shall hold their office for one year, and until their successors shall be chosen. At all elections of said company each stockholder shall be entitled to one vote for each share of stock he holds, which vote may be cast in person or by written proxy.

§ 6. Said company may receive, in addition to the subscription of stock, donations by way of bonus, either in money or real or personal estate; and all such obligations shall be fully binding upon the obligors according to the terms and conditions thereof.

§ 7. Said company shall have power to issue and sell its bonds, payable at such times and places as it may deem best, and bearing interest at a rate not to exceed eight per cent. per annum; and may execute a mortgage upon its property,

rights, and franchises to secure the same, which mortgages may be foreclosed as other mortgages are.

§ 8. Said directors may adopt by-laws for the management of their business, prescribing the duties of their officers and agents, their tenure of office and compensation, and such rules and regulations as they may from time to time find necessary: *Provided*, Said by-laws shall not be in conflict with this act or with the Constitution or laws of this State or the United States.

§ 9. Nothing in this act shall be construed to impose any individual liabilities for the debts of the company upon any holder of stock therein.

§ 10. This act shall take effect from and after its passage: *Provided*, Nothing in this act shall be construed to prevent persons from recovering from said corporation damages for any injury that may accrue to private property in the exercise of the powers herein granted.

Approved February 11, 1882.

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CHAPTER 181.

AN ACT for the benefit of Samuel G. Northington, son of G. A. Northington, of Ballard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Samuel G. Northington, son of G. A. Northington, of Ballard county, be, and he is hereby, released from all the disabilities of an infant, and vested with all the rights and privileges of an adult, except the right to vote.

§ 2. This act shall take effect from its passage.

Approved February 11, 1882.

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CHAPTER 182

AN ACT to amend an act, entitled "An act to re-enact and amend an act to incorporate the Paducah, Benton and Murray Gravel Road Company, and charter the Paducah and Clark's River Gravel Road Company," approved April 9, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the act, entitled "An act to re-enact and amend an act, entitled 'An act to incorporate the Paducah, Benton

and Murray Gravel Road Company, and charter the Paducah and Clark's River Gravel Road Company," approved April 9, 1878, be amended by adding thereto the following numbered sections, to-wit:

§ 11. That it shall be the duty of said Paducah and Clark's River Gravel Road Company to erect post-and-rail bearers on the side or sides of all levees on said road where the height of such levee is six feet or more above the common surface level, and not elsewhere.

§ 12. That said company may extend its road to Benton itself, or by uniting with the Marshall County Gravel Road Company, and may alter or change its name and seal at pleasure.

§ 13. Said company shall have all the rights and privileges heretofore granted to the Paducah, Benton and Murray Gravel Road Company, and may purchase or lease a lot for a toll-gate at any place on said road between Island creek and the place where it now has its first toll-gate.

§ 14. Except as to all debts and liabilities and mortgage or mortgages now existing against said company, and except for labor or materials hereafter done on or furnished for said road, the owners or holders of the stock of said company, or of stock issued by its predecessor, the Paducah, Benton and Murray Gravel Road Company, shall have a lien and priority for the amount of such stock and interest over all other claims, and shall not be deprived of the same by any proceeding or forfeiture.

§ 15. This act shall take effect from its passage.

Approved February 11, 1882.

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## CHAPTER 183.

AN ACT to attach the farms and possessions of W. A. J. Beck, W. A. Whitlow, Lafayette Hurt, John D. Beck, W. W. Norris, and Peter Beck, of Metcalfe county, to Cumberland county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the farms and possessions of W. A. J. Beck, W. A. Whitlow, Lafayette Hurt, John D. Beck, W. W. Norris,



and Peter Beck, of Metcalfe county, be, and are hereby, attached to Cumberland county.

§ 2. That this act shall take effect from and after its passage.

Approved February 11, 1882.

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#### CHAPTER 184.

AN ACT in relation to the sale of spirituous, vinous, and malt liquors in Catlettsburg and vicinity.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the question of granting license to sell by retail spirituous, vinous, and malt liquors in the town of Catlettsburg, and within two miles of said town, shall be submitted to the qualified voters of said town in the following manner: The board of trustees of said town shall, by order of their board, fix the day upon which said election shall be held, which shall be not more than thirty days after this bill shall be approved, and shall publish a copy of said order in any newspaper published in said county, and post a copy thereof at the court-house door and two other public places in said town at least ten days before the election.

§ 2. For the purpose of conducting said election the board of trustees of said town shall appoint two persons, who shall be citizens and voters of said town, judges, and one person of like qualifications to act as clerk, and require the attendance of the marshal of said town.

§ 3. The election shall be held between the hours of seven o'clock, A. M., and six o'clock, P. M., in the usual place of holding elections in said town. A poll-book shall be prepared by the clerk of the board of trustees of said town, with one column headed "License," and another "No license." The question shall be propounded to each voter, as follows: "For license or against license?" and the votes of those voting for license shall be set down in the column headed "License," and those voting against license in the other column. It shall be the duty of the clerk and judges of said election to certify the result of said election, and deliver the poll book to the marshal of said town, whose duty it shall be to deliver the same to the county court clerk of Boyd county

within two days after the election. The county judge of Boyd county, with the clerk thereof, shall examine said poll-book and then file same in the county court clerk's office.

§ 4. If a majority of those voting at said election shall be against granting license, then no license shall be grant to any one to sell spirituous, vinous, or malt liquors within said town, or within two miles of said, in any direction; and any person selling vinous, spirituous, or malt liquors by retail within the area aforesaid, shall be subject to all the pains and penalties denounced against persons guilty of keeping a tippling-house, and be recovered as like penalties are now recovered by law.

Limits.

Penalties.

§ 5. This act shall take effect from and after its passage.

Approved February 11, 1882.

## CHAPTER 185.

AN ACT to incorporate Rose Hill Seminary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an institution of learning be, and the same is hereby, incorporated and established at Versailles, Woodford county, Kentucky, to be known by the name of Rose Hill Seminary.

Name.

§ 2. That R. Y. Berry, D. L. Thornton, E. M. Wallace, W. E. Rogers, Samuel L. Wooldridge, H. C. McLeod, S. H. Robertson, James M. Graves, Thos. A. Crenshaw, W. H. Graves, R. B. George, Thos. Seller, George Cotton, John Amsden, and John M. Wasson, and their successors in office, are hereby constituted a body-politic and corporate, to be known as the trustees of the Rose Hill Seminary; and by that name shall have perpetual succession, and a common seal or scroll, which they may alter at pleasure.

Trustees.

§ 3. That said board of trustees, with the consent of the principal, shall have power to direct the course of study, to appoint such assistants as may be necessary to complete the course prescribed by the said board; and to make such rules and by-laws as they may deem necessary for their government and that of said institution; also confer upon those then may deem worthy such degrees and honors as are usual in similar institutions with diplomas, signed by the principal,

Powers.

teachers, and any three or more of said trustees, or their successors, and affix the seal or scroll of the institution to the same.

§ 4. That the general control and management of the institution to abide in the hands of the present principal, Mrs. G. B. Crenshaw, and her assistant principal, T. A. Crenshaw; and nothing in this charter shall be construed so as to impair or in the least change the title or use of any realty or personalty of said seminary buildings, grounds, or any thing pertaining thereto; and said G. B. and T. A. Crenshaw shall collect all funds arising from and due said institution in any way, and expend the same as they deem best. Principal.

§ 5. That the seminary, with its buildings and appurtenances, so long as used for the purposes of education as set forth herein, shall be entitled to all the rights and privileges to which other institutions of learning are entitled by the General Statutes of the State, and therefore shall not be subject to State, county, or town taxation; and if, at any time, the institution and appurtenances shall be transferred, by deed or otherwise, such transfer shall not operate as a dissolution of this charter; but its privileges shall inure to any successor so long as he or they shall continue to use the same for school purposes as herein named. Exemption.

§ 6. That the said seminary may receive as pupils both male and female, either or both, as may be deemed best by principals and trustees.

§ 7. That the trustees and their successors are hereby vested with power to receive in any manner, money, or other property, real or personal, and to hold or dispose of the same for the use of the institution: *Provided*, That real estate at any one time shall not exceed fifty thousand dollars.

§ 8. Whenever a vacancy may occur in said board of trustees, either by death or otherwise, the remaining members shall, on the call of the principals, or the acting president, and within twelve months from the date of such vacancy, proceed to fill such vacancy; and that any three of said board, together with the principal, shall constitute a quorum for the transaction of all business pertaining to the institution. Vacancies.

§ 9. This act shall take effect immediately after its passage.

Approved February 11, 1882.

## CHAPTER 186.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Winchester."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Winchester," approved February 1st, 1882, be, and the same is hereby, amended by substituting the word "recorder" for the word "police judge," wherever it occurs in said act, and by substituting for the word "police court" the word "recorder's court," wherever it occurs in said act, and instead of a police court, as established in said act, a recorder's court is hereby established for said town, to be known and styled the recorder's court of Winchester; and said recorder's court is hereby invested with all the authority, powers, and jurisdiction conferred upon the police court by said act, and said recorder shall be elected at the same time and in the same manner provided in said act for the election of a police judge for said town

§ 2. That said act be further amended by substituting the word "chief of police" for the word "marshal," wherever it occurs in said act; and said chief of police is invested with all the powers, and is subject to all the duties and amenabilities, with which said marshal is invested, and to which he is subject as provided in said act, and he shall be elected in the same manner provided in said act for the election of a marshal for said town

§ 3. That the police court of Winchester be, and the same is hereby, abolished.

§ 4. This act shall take effect from and after its passage.

Approved February 11, 1882.

## CHAPTER 187.

AN ACT to incorporate the Excelsior Mutual Relief Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That T. A. Lyon, W. W. Sublett, L. L. Anderson, W. M. Lewis, and H. B. Lyon, and their associates and their

successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the Excelsior Mutual Relief Association, the object of the said association being to provide financial aid to the widows, orphans, heirs, legatees, and assigns of deceased members; and under its said name the said association shall have power to sue and be sued, contract and be contracted with; to hold all real estate and other property deemed necessary by its board of trustees for its uses and purposes, and to dispose of the same; to make and use a common seal, renewable and changeable at pleasure, and by its said board to make such by-laws and regulations not contrary to law as may be deemed necessary and appropriate for carrying out the purposes of this act.

§ 2. The principal office of the said association shall be in the city of Louisville in this State; and upon the call of one or more of the incorporators hereinbefore named, the said incorporators, or a majority of them, may meet and organize the said association by electing therefor a board of five trustees, who shall have the management and control of the said association and its affairs, and shall of their own number elect as principal officers of the said corporation a president, a vice president, and a secretary; and the said board may appoint such other officers and agents as it may deem necessary and proper for the transaction of the business of the said association. The said board shall decide upon all applications for membership, and upon all claims for death benefits in said corporation.

§ 3. There shall be two separate funds collected by the said association from its members, one of which shall be termed the "mortuary fund," and the other the "expense fund."

§ 4. The mortuary fund shall consist of an advance mortuary assessment collected from each member at the time of joining the association, and of subsequent mortuary assessments collected from each member in such sums, at such times, and in such manner as may be prescribed in the by-laws of said corporation; but such assessments shall only be sufficient to pay the cost of the yearly protection, based on the American Experience Table of Mortality; and should there at any time be a deficit, the said association shall have the power to make a deficiency assessment, pro rata, on such members as are liable therefor, by reason of the insufficiency

of former assessments paid by them. Members may elect at time of application for membership to pay their assessments, either at the death of members, or in such sums and at such times as may be agreed upon between them and the association. The said fund shall be held sacred for, and shall be applicable only to, the payment of benefits accruing from death among the members of the said association, for the taxes assessed against said fund, and of the costs and expenses of suits in protecting or defending the said corporation against suspected fraudulent claims to such benefits; and the said mortuary fund shall, as collected, be deposited in such national or chartered State banks as may, from time to time, be selected by the board of trustees as the depository of the said fund; and the said fund shall only be withdrawn from such depository, in whole or in part, upon checks signed by two of the principal officers of the said association. Should a surplus mortuary fund be created or accrue, the same shall be invested either in the bonds of the United States or of the State of Kentucky, or of the city of Louisville, to be held by such depository until required for the payment of claims against the association, when the said association shall have power to withdraw and sell or dispose of said bonds, and to apply the proceeds to the payment of said claims.

§ 5. The expense fund of the said association, in which fund the members shall have no interest, shall accrue from and consist of the membership fees and annual dues, collectable from the members in such sums, at such times, and in such manner as shall be prescribed in the by-laws of the association. The amount of said annual dues shall be stated in the application for membership and in the certificate, and shall not be thereafter increased. All the expenses and claims upon or against the association, except the death benefits, taxes, and costs and expenses specified in section four of this act, shall be paid out of the said expense fund.

§ 6. Any member may, in his application for membership in the association, designate a beneficiary of the benefit to accrue on his death, and if the beneficiary so designated be other than himself, the benefit shall not be liable for any debt of such member.

§ 7. Every member who shall fail to pay his mortuary assessments or annual dues, or any of them, as may be prescribed in the by-laws, shall forfeit membership in the

association; and in such case the certificate of membership shall become and be null and void. All moneys paid on account of such membership shall be forfeited to the association, and no benefit shall accrue or be payable to any person on the death of such member.

§ 8. Benefits accruing on death among the members shall be paid at the office of the association in Louisville, Kentucky, within sixty days after the receipt of satisfactory proofs of such death; and should payment of any such benefit be refused, an action or suit for the recovery thereof can only be commenced within twelve months next after such refusal.

§ 9. On or before the fourth Monday in January in every year it shall be the duty of the principal officers of the said association to make a statement of the condition of its mortuary fund, showing the receipts and disbursements of the same, and the balance thereof remaining on hand for the fiscal year ending the thirty-first day of December next preceding, and to submit such statement to the Insurance Commissioner of this State. It shall be the duty of the Commissioner to verify the same, and he shall be entitled therefor to a reasonable fee, not exceeding one hundred dollars per annum, to be paid by the said association. A printed copy of such statement shall be mailed to each member of the association. If at any time the Commissioner of Insurance shall have cause to believe that the association is in any way violating its charter, he may make, or cause to be made, an examination of said association; and if he shall find that there is such a violation as in his judgment shall justify him in so doing, he is hereby authorized to take such steps to annul this charter as are now required by law to annul the charters of insurance companies according to the provisions of the law establishing the Insurance Bureau.

§ 10. The said association being of a purely benevolent character, it shall not be subject to the laws of this State governing life insurance companies, except as herein provided.

§ 11. The secretary of the said association shall have charge of the records, books, and collections thereof, and shall give bond to the corporation in such sum and with such surety as the board of trustees shall determine.

§ 12. At the time of making the annual statement provided for in section 9, the said association shall furnish to the Aud-

itor of State a certified list of all the commissioned agents of said association in this State, and shall pay, or cause to be paid, a license fee of two dollars and fifty cents for each of said agents.

§ 13. The tenure and terms of office in the said association, and the mode of filling vacancies therein, the amount of benefits, mortuary and advance mortuary assessments, membership fees, and annual dues, and all other matters appertaining to the business and objects of the association, and not inconsistent with or contrary to law, may be fixed and regulated in and by the by-laws of the same.

§ 14. This association shall be, and is hereby, exempted from the payment of all license fees of every kind, except as provided for in section 12 of this act.

§ 15. None of the incorporators, officers, or members of the association shall be liable for any of its debts.

§ 16. This act shall take effect and be in force from and after its passage.

Approved February 11, 1882.

## CHAPTER 188.

AN ACT for the benefit of M. Rice, late common school commissioner of Hopkins county.

WHEREAS, M. Rice, as common school commissioner of Hopkins county, committed a mistake in reporting to the Superintendent of Public Instruction the number of white children of pupil age in district No. 67, in Hopkins county, for the school year ending June 30th, 1881, by reason of which he failed to draw for twenty-eight pupils, amounting to forty-two dollars; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor in favor of M. Rice (late common school commissioner of Hopkins county) for the sum of forty-two dollars, to be paid out of any surplus school fund due Hopkins county for the years 1880, 1881, or 1882.

§ 2. This act shall take effect from its passage.

Approved February 11, 1882.



CHAPTER 190.

AN ACT to prohibit the sale or gift of spirituous, vinous, or malt liquors within two miles of Mt. Carmel Baptist Church, of Ohio county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter no spirituous, vinous, or malt liquors shall be sold, or given away, within two miles of Mt. Carmel Baptist Church, of Ohio county, Kentucky, except it be upon the written prescription of a legally authorized physician, which prescription shall state specifically the cause or reason why it is that such liquors are necessary to be used as a medicine by the party obtaining such prescription. Limits.

§ 2. *Be it further enacted,* That from and after the passage of this act, it shall not be lawful for the county court of Ohio county, or any other authority, either county, municipal, or State, to grant any license to any person to sell or give such liquors to any person, except as provided for in section first of this act, within the said territory, either by the drink or otherwise.

§ 3. Any person who shall violate any of the provisions of this act, either by granting license as herein prohibited, or by selling or giving any such liquors as above mentioned, or any physician who shall give any false or fraudulent prescription, shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offense; and each selling or giving shall constitute a separate offense. Fine.

§ 4. Said fine may be recovered, either by indictment in the circuit or criminal court of Ohio county, or upon the warrant of any justice of the peace, police judge, or county judge of Ohio county, Kentucky, which warrant shall be issued, either upon the personal knowledge of the said peace officers, or upon information given by any citizen of the Commonwealth, upon his written affidavit.

§ 5. This act shall take effect from and after its passage.

Approved February 11, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 191.

AN ACT to amend an act to incorporate the Louisville and Southeastern Railway Company, approved January 28, 1882.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act to incorporate the Louisville and Southeastern Railway Company, approved January 28th, 1882, be, and the same is hereby, amended by striking out of section ten all that portion beginning with the words "the Legislature," down to the end of the section, and substitute in lieu thereof the following, viz: "The General Assembly hereby reserves the right to regulate the terms of consolidation, by either sale, lease, or otherwise of the railroad hereby incorporated with any railroad, the line of which runs parallel to or in competition with the line of this road by general law regulating same."

§ 2. This act shall take effect from its passage.

Approved February 16, 1882.

## CHAPTER 192.

AN ACT to make it lawful for sheriffs of Butler county to take executions from justices' and police courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter it shall be lawful for the sheriff of Butler county to take executions from justices' and police courts, and levy and collect same, and shall be responsible in the same manner, and to the same extent, as he is now held responsible for executions coming to his hands from the quarterly courts of this Commonwealth.

§ 2. This act shall take effect from and after its passage.

Approved February 16, 1882.

## CHAPTER 193.

AN ACT for the benefit of Charles H. Jarboe.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Charles H. Jarboe, surety for George Luckett, deceased, executor of the last will and testament of Heze-

kiah Luckett, deceased, be, and he is hereby, released from all liability to the Commonwealth as such surety on account of the keeping of Elizabeth Hagan, adjudged a lunatic by the Marion circuit court.

§ 2. This act shall take effect from its passage.

Approved February 16, 1882.

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CHAPTER 194.

AN ACT to incorporate the Bank of Hartford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby established a bank of deposit in the town of Hartford, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of the Bank of Hartford, Kentucky, and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending in all courts and places whatever. It may have a common seal, and change and renew the same at pleasure.

§ 2. That said bank shall be under the control and direction of five directors, each of whom shall be a stockholder, and all of whom shall be residents of the State of Kentucky. After the first election they shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and shall take from them such bonds to

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secure the faithful performance of their duties as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder to said corporation: *Provided*, The certificate of stock of such stockholder shall be deposited with the bank.

• § 3. That E. D. Walker, Z. W. Griffin, S. W. Anderson, E. C. Hubbard, R. P. Rowe, and H. J. C. Lindley, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock, and when one hundred shares of stock shall have been subscribed for, they shall give notice in their county newspaper, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: There shall be paid thirty per cent. on the amount of each subscription within ten days after the election of the first board of directors, and the residue in installments of ten per cent. on each share every thirty days: *Provided*, That after three thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the residue; and should any of the subscribers fail to pay for their subscriptions of stock, as herein provided, after giving notice of their intention in some newspaper in Hartford for thirty days, the directors may, by resolution entered on their records, forfeit such stock, and resell the same at such times as they may deem expedient; and all partial payments made on any stock which shall be then forfeited shall be held for the benefit of the corporation. Said corporation may commence business so soon as three thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice, or notary.

§ 4. That said bank may receive deposits of gold, silver, bank notes, or other notes which may be lawfully circulating as money, and repay the same in such manner and at such times as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, in exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof,

and dispose of the former as may be agreed upon, in all respects as natural persons may do under the common law.

§ 5. That the said corporation may acquire, hold, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of, or to aid in the satisfaction of, any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws as they deem necessary, provided the same be not contrary to the Constitution or laws of this State or of the United States.

§ 6. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 7. That the General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 8. That this act shall take effect from its passage, and continue in force twenty-five years.

Approved February 16, 1862.

## CHAPTER 195.

AN ACT to incorporate the Elizabeth Turnpike Road, in Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company may be formed and created a corporate body by the name of the Elizabeth Turnpike Road Company, for the purpose of constructing a turnpike road, beginning at the crossing of the Paris and Georgetown Turnpike with the Keiser Station and Clay Turnpike Road, in Bourbon county, and adopting the bed of the county dirt road, by way of Elizabeth meeting-house, to the crossing of said dirt road with the Paris, Hume and Bedford pike.

Incorporating company.

§ 2. William H. Clay, David Hume, Frank P. Clay, John B. Kennedy, and Charles Turner, are appointed commissioners, who, or a majority of whom, shall open books for the subscription of stock in said company, and the subscribers thereto shall sign an obligation in the following form: We, whose names are hereto subscribed, promise to pay the Elizabeth Turnpike Road Company twenty-five dollars for each share of stock set opposite our names, in such propor-

Commissioners.

Obligation.

County may sub-  
scribe.

tions and at such times as shall be determined by the officers of said company when hereafter elected. The county court of Bourbon county may subscribe for stock in said road, not exceeding one thousand dollars per mile of road built or guaranteed to be built.

Capital stock,

§ 3. The capital stock of the company shall not exceed four thousand five hundred dollars, and shall be divided into shares of twenty-five dollars each. When the sum of two thousand dollars shall be subscribed, the commissioners shall give notice, in such manner as they may think proper, that a meeting of stockholders will be held at such time and place as the notice may designate, for the purpose of electing officers of the company.

Officers of com-  
pany.

§ 4. The officers shall be a president and a treasurer. The latter shall also be secretary of the company; shall have custody of its papers, books, and finances, and shall pay out moneys on the order of the president. They shall be stockholders, elected by a majority of the stock voted. Each stockholder shall be entitled to cast a vote for each share of stock owned by him. They shall be managers of the road, and shall hold their offices for one year and until their successors are elected and qualified.

Powers & duties.

§ 5. The managers shall have all powers and rights necessary for letting, contracting, and completing the road and transacting its business, subject to instructions from the stockholders.

Grade.

§ 6. The grade shall not exceed three degrees of elevation; width not less than eighteen feet; width of metal not less than fourteen feet, and depth of metal not less than ten inches.

Gate.

§ 7. After completing the road, a gate may be erected at such place on the road and at such time as shall be determined by a majority of the stock held in the company, and toll collected as provided in the general laws of this State.

§ 8. This act shall take effect from and after its passage.

Approved February 18, 1882.

CHAPTER 196.

AN ACT for the benefit of James B. Chipman, constable of Foster precinct, No. 2, Bracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That James B. Chipman, present constable of Foster precinct, Bracken county, Kentucky, be, and he is hereby, empowered and authorized to appoint one or more deputies to assist him in the discharge of his duties as constable of said precinct.

§ 2. This act shall take effect from its passage.

Approved February 18, 1882.

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CHAPTER 197.

AN ACT for the benefit of Mrs. Mary E. Cofer, widow of Hon. Martin H. Cofer, late Chief Justice of the Court of Appeals of this Commonwealth.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer, in favor of Mrs. Mary E. Cofer, widow of Hon. Martin H. Cofer, late Chief Justice of the Court of Appeals of this Commonwealth, for the salary of such Chief Justice that would have been due him if he had died upon the day preceding the qualification of his successor.

§ 2. That this act take effect from its passage.

Approved February 18, 1882.

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CHAPTER 198.

AN ACT for the benefit of Wm. Riley Routt, of Bracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Benjamin O. Coliver, guardian of William Riley Routt, be, and he is hereby, authorized and empowered, upon a settlement of his accounts as guardian with the Bracken county court, to pay over to his ward, the said Routt, any balance due him, as if the said Routt were of full age: *Pro-*

vided, That nothing in this act shall be taken to change or alter the responsibilities of said guardian, except as herein expressly stated.

§ 2. This act shall take effect from its passage.

Approved February 18, 1882.

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### CHAPTER 199.

AN ACT to amend an act, entitled "An act for the benefit of J. H. Taylor, S. M. Dean, David Morton, and Henry Herr," approved April 15, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That after the word "passage," in section two of said act, the remainder of the section shall be stricken therefrom.

§ 2. This act shall take effect from its passage.

Approved February 18, 1882.

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### CHAPTER 200.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors within two miles of Spring Hill Baptist Church, colored, in the county of Christian.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors, or a mixture of either, in any quantity whatever, within two miles of Spring Hill Baptist Church, colored, in Christian county.

§ 2. That if any person shall violate the provisions of the first section of this act, such person, on conviction thereof, shall, for each violation of said section, be fined in the sum of fifty dollars.

§ 3. This act to take effect and be in force from its passage.

Approved February 18, 1882.



## CHAPTER 201.

AN ACT for the benefit of Susette G. Stewart, of the city of Louisville.

WHEREAS, It appears that Susette G. Stewart has paid revenue tax on certain real estate lying on the south side of Green street, between Second and Third streets, in the city of Louisville, twice for the year 1874—first to the Auditor of Public Accounts on the 26th July, 1875, the sum of \$23.64; and to the sheriff of Jefferson county on the 4th October, 1880, the sum of \$15.75; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of Susette G. Stewart for the sum of fifteen dollars and seventy-five cents, the amount erroneously paid by her to the sheriff of Jefferson county for revenue tax for the year 1874.

§ 2. This act to take effect from its passage.

Approved February 18, 1882.

## CHAPTER 202.

AN ACT for the benefit of R. H. Averitt, of Christian county.

WHEREAS, R. H. Averitt, of Christian county, by reason of being crippled and general bad health, is unable to support himself and family by manual labor, and being a very poor man, not able to pay the tax required by law to be paid by peddlers, and being desirous to make something for himself and family by peddling; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That R. H. Averitt, a citizen of Christian county, Kentucky, be, and he is hereby, authorized and permitted to peddle goods, wares, merchandise, &c. (except spirituous, vinous, or malt liquors, or the mixtures thereof), within the counties of Christian and Trigg, without taking out the license required by law.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 203.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Athens, in Fayette county," approved January 24, 1867.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section two of an act, entitled "An act to amend the charter of the town of Athens, in Fayette county," approved January 24th, 1867, be amended so that whenever any person shall hereafter be convicted of any violation of the laws or ordinances of said town, and shall be fined therefor, and shall fail or refuse to pay said fine at the time of conviction, the court rendering judgment against him shall direct that he be required to work upon the public streets of said town, at the rate of one dollar per day, until said fine shall have been paid thereby.

§ 2. The court aforesaid shall provide food and shelter for such prisoners during the time of the sentence at the expense of said town; and should a guard be deemed necessary, the same shall be provided by the court at the expense of the town.

§ 3. This act shall take effect from its passage.

Approved February 18, 1882.

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CHAPTER 205.

AN ACT for the benefit of Mrs. Mary F. Offutt, of Scott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Mrs. Mary F. Offutt, of Scott county, be, and is hereby, authorized and empowered to do and transact business, with the same privileges, responsibilities, and liabilities of a *feme sole*.

§ 2. This act shall take effect from and after its passage.

Approved February 18, 1882.

CHAPTER 206.

AN ACT for the benefit of the Helena and Mayslick Turnpike, in Mason county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all persons owning land adjacent to or living on the line of the Helena and Mayslick Turnpike shall work out their road tax upon said road, and shall be called out by the president or directors of said road for the purpose of working said pike at the same time and in the same manner, and be governed by the same laws that now govern surveyors of county roads; and it is made the duty of the president of said road to notify persons owing tax or labor upon said road; and any person failing to attend and work out said tax when so notified, shall be liable therefor, and it is the duty of the president, if said tax is not worked out or paid, to sue for and collect the same, and appropriate it to the repairs of said road.

§ 2. This act shall take effect from its passage; and all acts or parts of acts in conflict with this act are hereby repealed.

Approved February 18, 1882.

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CHAPTER 208.

AN ACT for the benefit of Little Mount school district, No. 32.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors, or a mixture of either, in any quantity, within two miles of Little Mount school district, No. 32, Spencer county.

§ 2. That any person violating the provisions of this act shall be subject to the penalties and punishments which are imposed by statute upon persons guilty of retailing and tippling.

§ 3. This act shall take effect from its passage.

Approved February 18, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 209.

AN ACT to legalize the sale of the delinquent county levy lists of Boone county, and empower the purchasers of said lists to collect the same.

WHEREAS, The judge of the Boone county court did, on the 8th day February, 1881, advertise and sell at public sale the delinquent county levy lists for the years 1878, '79, and '80, thereby securing an increase of county revenue; and whereas, doubts exist as to the legality of said sales, and the powers of the purchasers of said delinquent lists to collect the same; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said sales are hereby declared legal, and the purchasers of said lists are hereby invested with the same power and authority for the collection of the same as is now conferred upon sheriffs for the collection of county revenue.

§ 2. This act shall be in force from its passage.

Approved February 18, 1882.

## CHAPTER 213.

AN ACT to amend an act, entitled "An act to establish a police court in the town of Caseyville, in Union county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Jurisdiction.

§ 1. That the police court of Caseyville shall have jurisdiction of civil actions and proceedings in the town of Caseyville, and in the district in which said town is situated, to the same extent that justices of the peace now have or may hereafter have, and shall have the same jurisdiction in the county of crimes, misdemeanors, and other offenses that two justices of the peace now or may hereafter have.

Fees.

§ 2. The fees of said police judge and of the town marshal shall be the same in civil, criminal, and penal cases, and in the prosecution of misdemeanors and other offenses under the State law, as those allowed justices of the peace and constables for like services rendered in similar cases, and shall be allowed the same fees for services rendered in prosecutions and proceedings for violations of by-laws and ordinances of said town as for similar services in civil cases.

§ 3. Appeals from all judgments rendered by said police judge shall be allowed to any party under the same rules and regulations and to the same tribunals as appeals are now or may hereafter be allowed from judgments of justices of the peace and their courts. Appeals.

§ 4. The pleadings in said court shall be regulated by the same rules that now or may hereafter regulate the pleadings in courts of justices of the peace. Pleadings.

§ 5. Before entering upon the discharge of the duties of his office, the town marshal shall execute to the Commonwealth a bond similar in its provisions to the bond required of constables, with the same requirements as to sureties; and the same actions, suits, motions, and proceedings shall be had on said bond as may be had on constables' bonds. Bond of marshal.

Approved February 18, 1882.

## CHAPTER 214.

AN ACT for the benefit of W. S. Heath, of Marshall county.

WHEREAS, W. S. Heath, of Birmingham, in Marshall county, Kentucky, applied to the board of trustees of said town of Birmingham to grant him a license to keep a coffee-house in said town; that after obtaining the consent of said trustees to keep said coffee-house as required by law, he applied to the county court of Marshall county for license as required by law, and paid fifty dollars State tax required by law, and immediately thereafter, and before he had obtained the written authority from said trustees to keep his coffee-house, the board of trustees raised the corporation tax for such privilege from fifty to two hundred dollars, which sum he could not pay, by which he has failed to obtain the privilege, and has received no benefit for the fifty dollars paid to the county clerk; and for remedy,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of said W. S. Heath for the sum of fifty dollars.

§ 2. This act shall take effect from and after its passage.

Approved February 18, 1882.

## CHAPTER 215.

AN ACT to prevent stock from running at large in Rutland and Claysville precincts, in Harrison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person or persons, within the limits of districts numbers —, known as Rutland and Claysville precincts, in the county of Harrison, to permit their stock of any description to run at large off their own premises, or the premises of which they may be in possession. Any person or persons so offending, shall be liable to any person or persons damaged by such stock, and for the first offense shall pay for all damage committed; for the second offense, shall pay double the amount of damage committed; and for the third or any subsequent offense, shall pay four times the amount of damage committed; and the party injured shall have a lien upon such stock for all such damage and all costs of enforcing the same, recoverable before any justice of the peace or other court of competent jurisdiction in Harrison county: *Provided*, That the person or persons so injured shall notify the owner or owners or persons having charge of said stock of their having trespassed upon him or them. When the parties are thus notified they may offer to pay, according to the provisions of this act, for the damage committed, which, if the person or persons injured refuse to accept and bring suit and fail to recover more than the amount tendered, he shall pay all costs.

§ 2. This act shall be submitted to the qualified voters of said Rutland and Claysville districts at the next regular election, or any subsequent general election, and it shall be the duty of the officers of the election in August, 1882, to open a poll at each voting precinct, and propound to each voter at said election the question: "Are you for or against a stock law," and register his vote in accordance with his response to said question if he desires to vote thereon. The votes shall be certified and returned, examined and compared, as they are required to be in elections for State and county officers, and if it shall appear by the certificate of the examining board that a majority of those voting voted in favor of a stock law, then the provisions of this act shall take effect and be in force. It shall be the duty of the examining board to make out a certificate under oath of the votes cast at said

election under the provisions of this act, giving the number of votes cast in each district for and against the stock law, and deliver the same to the presiding judge of the county court, who shall cause the same to be entered of record by county court clerk.

§ 3. It shall be the duty of the sheriff, at least thirty days before the day upon which this law is to be voted upon, to advertise in at least three public places in each precinct that a vote will be taken at said election for or against a stock law.

Approved February 18, 1882.

# CHAPTER 217.

AN ACT to incorporate Pellville Lodge, No. 357, Free and Accepted Masons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the master, wardens, and members of Pellville Lodge, No. 357, of Free and Accepted Masons, located at Pellville, Hancock county, Kentucky, be, and they are hereby, made and constituted a body-politic and corporate, under the name and style of Pellville Lodge, No. 357, Free and Accepted Masons; and said body shall have perpetual succession, with legal capacity under said name and style to contract and be contracted with, sue and be sued, plead and be impleaded; and have all rights that litigants have or may have in any court or courts of this Commonwealth. Style.

§ 2. That said corporation shall have power to take and hold, by purchase, gift, or devise, any real or personal estate, not exceeding in value four thousand dollars, and to sell or dispose of and convey the same at pleasure.

§ 3. That said corporation shall have power to pass all such by-laws, rules and regulations, not inconsistent with the Constitution of this State and the United States, and laws passed in pursuance thereof, and of the constitution, by-laws, and edicts of the Grand Lodge of the State of Kentucky, as said corporation may, from time to time, deem expedient for the control, management, and preservation of the property, interests, and concerns of the lodge and corporation. By-laws and ordinances.

§ 4. The management of the affairs of said corporation shall be, and is hereby, invested in and intrusted to the pres-

ent master, senior and junior wardens, and their successors in office, as trustees thereof, a majority of whom, by and with the consent of a majority of the lodge, shall have all power to make contracts pertaining to the real or personal estate of said lodge; and in conveying real estate all of said trustees shall join in this conveyance.

§ 5. Said corporation shall take possession of and hold and dispose of any real or personal estate that the said lodge now has on hand, in the same manner that is herein provided for all future estate acquired by them.

§ 7. This act shall take effect from its passage.

Approved February 18, 1882.

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#### CHAPTER 218.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in districts Nos. 1, 2, 4, and 5, in Robertson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act, it shall be unlawful for any person or persons to vend or sell, ardent, spirituous, vinous, or malt liquors by retail in less quantities than ten gallons in magistrates' districts No. 1, No. 2, No. 4, and No. 5, in Robertson county.

§ 2. That any person or persons violating the provisions of the first section of this act shall be under all the pains and penalties now denounced against keeping tippling-houses and unlawful retailing ardent spirits.

§ 3. This act shall not apply to druggists who have a license to retail spirituous liquors for medicinal purposes only.

§ 4. Any physician who gives a prescription to a druggist for medicinal purposes must state in the prescription who the spirits is for, that the person is sick, and the disease the patient is afflicted with. Any physician guilty of giving a false prescription shall be fined in any sum not over twenty dollars nor under ten dollars, to be assessed by a justice of the peace, county judge, or indictment by a grand jury; and all moneys collected under the provisions of this act shall be paid into the common school fund.

§ 5. This act to take effect and be in force from its passage.

Approved February 18, 1882.



## CHAPTER 219.

AN ACT to amend the charter of the Campbell Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the Campbell Turnpike Road Company be, and the same is hereby, amended, and the capital stock of said company is increased from fifty thousand dollars to fifty-one thousand dollars. Capital stock.

§ 2. Said company is hereby authorized to issue to the heirs of James T. Berry, deceased, said increased sum of one thousand dollars stock in said company, in accordance with a judgment of the Campbell circuit court in the case late pending in said court, in which one Henry Hanna was plaintiff and the Campbell Turnpike Road Company and others were defendants; and it is not authorized to issue said stock, or any part thereof, to any other person, or for any other purpose.

§ 3. This act shall take effect from and after its passage.

Approved February 18, 1882.

## CHAPTER 221.

AN ACT to incorporate the Elizaville and Pike Bluff Turnpike Road Company, in Fleming county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a company is hereby created a body-corporate and politic, under the name and style of the Elizaville and Pike Bluff Turnpike Road Company, for the purpose of building and constructing a macadamized turnpike road, beginning at or near the toll-gate on the Elizaville and Valley Mills Turnpike Road nearest to Elizaville, and leading to Bishop's mill on Fleming creek. Style.

§ 2. The above named road to be built upon the most practicable route; said route to be selected and located by the commissioners hereafter named.

§ 3. The capital stock of said company shall be such as the board of directors may deem sufficient to build such road, and may be increased by them to an amount not to exceed thirty thousand dollars, at the pleasure of said board. Capital stock.

§ 4. That M. T. Moore, L. C. Moore, Harvey Grannis,  
Commissioners. William Adams, and Hardy Spencer, be, and are hereby, appointed and constituted commissioners, whose duty it shall be to open books, for subscription of stock, at such times and places as they may deem expedient, and so soon as sixteen hundred dollars is subscribed to the capital stock of said road company by any person or persons or corporations soever, they shall give ten days' notice by posting up four notices of the time and place of meeting at four of the most public places in the vicinity of said turnpike road, to the stockholders of a meeting for the purpose of electing a president and four directors for said company, a majority of whom shall constitute a quorum, and are authorized to do all things for said company that the president and full board of directors have right to do; and the management of the fiscal and prudential affairs of same company shall be confined to said president and directors and their successors in office; such president and directors to be chosen annually by the stockholders at such time and place as may be prescribed by said president and directors, and notice of said election being given as specified above, and they shall continue in office until their successors are elected.

Quorum.

§ 5. That no person shall be eligible to be president or director of said company who shall not be the owner, in his own right, of one or more shares of stock in said road; and any president, director or directors, ceasing to be the owner of said stock in same road, shall thereby vacate his position as such president, director or directors, and said board may, from time to time, appoint to and fill all vacancies occurring in their body.

Vacancies.

§ 6. The said president and directors shall have power to appoint a treasurer, gate-keeper, and all other agents they may deem necessary to effect the purposes of this act, and to renew the same at pleasure. They shall have power to require the treasurer and all other agents appointed by them to execute bond to them, the said president and directors, in such penalties as they may deem sufficient to insure a faithful performance of the duties of such agent or agents.

Powers.

§ 7. The commissioners herein appointed shall procure such well bound blank-book or books as may be necessary, and the subscribers to the stock of said company shall enter into the following obligations to said company in said book or

books, to-wit: "We, whose names are hereunto subscribed, do promise to pay the president and directors of the Elizaville and Pike Bluff Turnpike Road Company the sum of fifty dollars for each and every share of stock in said company set opposite to our respective names, in such manner and proportions and at such times as shall be required by the president and directors of said company, and agreeable to this act incorporating said company. Witness our hand this — day of —."

§ 8. That said company shall build a good substantial road, of at least average width and weight of metal; the width and elevation of grade shall be left to the judgment of the president and directors; and after as much as one mile of said road has been built, the president and directors of said company may erect a toll-gate at any point in said road, and receive and collect toll for the amount of road traveled, at the same rate as specified in the general laws of this State relating to turnpikes, and in the same rates and proportions, until said road is completed.

§ 9. The president and directors shall keep a record of their proceedings in a well-bound book, and same shall be open to inspection by the stockholders in said road at all times. Said president and board of directors shall issue certificates of stock to the subscribers in capital stock of said road for the number of paid-up shares of any stockholders in said road company, which shall be signed by the president and countersigned by the treasurer, who shall be secretary of said company by virtue of his office as treasurer. Said stock shall be transferable upon the books or records of said company.

§ 10. That if any of the stockholders in said road shall fail or refuse to pay the stock subscribed by them, or the calls for the same, when due, they shall be liable to suit to enforce the collection of the same in any of the courts having jurisdiction.

§ 11. That the said company shall have the right to sue and be sued, plead and be impleaded, and the power to do any and all other acts and things that are necessary to be done in order to complete and carry out the purposes of this act.

§ 12. This act shall take effect from its passage.

Approved February 18, 1882.

## CHAPTER 222.

AN ACT to amend an act, entitled "An act to incorporate the Lewisburg, Strode's Run and Washington Turnpike Company," approved March 24th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Style.

Route.

§ 1. That section one of said act be, and the same is hereby, amended so that the corporate name of said company shall be the Strode's Run Turnpike Company, in lieu of the name heretofore given, and the line and route of said road shall be as follows, in lieu of the one described in the act to which this is an amendment: "Beginning at the town of Lewisburg, in Mason county, Kentucky, and running northeast and near to Strode's Run, and near to and along the Old Upper Blue Lick dirt road to a point near Clarke's Station; thence up Strode's Run, and following its general direction, about three and one half miles in all, to the Washington and Taylor's Mill dirt road; thence northward along the line between L. Ed. Pearce and Richard Soward's farms, to the Old Stone Lick dirt road; thence following said dirt road westward to the Maysville and Mt. Sterling Turnpike, about three miles from Maysville, making the entire length of pike about four and one third miles."

§ 2. All powers conferred by the act (to which this is an amendment) upon the Lewisburg, Strode's Run and Washington Turnpike Company shall be possessed and enjoyed by the Strode's Run Turnpike Company, except as herein prescribed or changed.

§ 3. The general course, distance, and terminal points of the turnpike shall be as herein prescribed, and so much of the original act as prescribes a different route and terminal points is hereby repealed.

§ 4. All contracts made by the turnpike company along the new route are hereby ratified and confirmed as fully and freely as if made after this amendment.

§ 5. All persons owning land adjacent to or living upon the line of this turnpike, shall work out their road tax upon said turnpike, and shall be called out by the president or superintendent of the company for the purposes of working said pike at the same time and in the same manner and be gov-

erned by the same laws as now govern surveyors of county roads.

§ 6. This act shall take effect from and after its passage.

Approved February 18, 1883.

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CHAPTER 223.

AN ACT for the benefit of Floyd E. Williamson, of Pike county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Floyd E. Williamson, of Pike county, is authorized and empowered by this act to erect a free boom across Big creek, at or near its mouth, for the purpose of catching and holding saw-logs and other lumber coming out of said creek to be rafted at the mouth of said creek and prepared for market ; said Big creek at said point is the dividing line between Pike and Martin counties.

§ 2. This act to take effect from and after its passage.

Approved February 18, 1882.

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CHAPTER 224.

AN ACT to fix the rate of toll on the Muldraugh's Hill Turnpike Road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the toll-gate keeper on the road leading from New Market, Union county, Kentucky, across Muldraugh's Hill, into Taylor county, Kentucky, shall collect and receive only single toll as fixed by the General Statutes of this Commonwealth for five miles.

§ 2. This act shall take effect from and after its passage.

Approved February 18, 1882.

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CHAPTER 225.

AN ACT for the benefit of Minerva Brashears, of Letcher county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Minerva Brashears, widow and sole devisee of the estate of Ezekiel Brashears, late clerk of the Letcher

county and circuit courts, and executrix of his last will and testament, be, and she is hereby, authorized, in her own name, as executrix as aforesaid, to make out any fee-bill or fee-bills, account or accounts, due said Ezekiel Brashears, as clerk of the Letcher county and circuit courts; and that she have five years further time, from and after the passage of this act, in which to collect the same, during which time said fees and fee-bills and accounts shall remain and be in full force and virtue.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 18, 1882.

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#### CHAPTER 226.

AN ACT to authorize the Bourbon county court to exempt certain persons from work on public roads in Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That after ten days' written notice to the surveyor of any county road or passway in Bourbon county of his intention so to do, any person who has been or may be assigned to labor on such road or passway, may, on motion, apply to the judge of the Bourbon county court, at any regular term thereof, to be released from work on said road.

§ 2. If on said motion it shall appear to the satisfaction of said court that it is unjust or inequitable to require said person to work on said road, or that his services are not necessary, or that said person lives too far from said road, or does not make general or frequent use of it, or because he has assisted in having macadamized the road to which he was originally assigned, then the said court may, by an order entered of record so stating, release said person from labor on said road until further orders.

§ 3. This act shall take effect from its passage, and apply only to the county of Bourbon.

Approved February 18, 1882.

CHAPTER 227.

AN ACT to prohibit the sale of spirituous, vinous, and malt liquors in the districts of Million and Poosey, in the county of Madison.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall hereafter be unlawful for any person to <sup>Limits.</sup> sell or vend any spirituous, vinous, or malt liquors in Million and Poosey districts, in the county of Madison, in this Commonwealth: *Provided, however,* That nothing herein shall be so construed as to prohibit distillers in said districts from selling any such liquors as now provided by law.

§ 2. Any person guilty of a violation of the first section of <sup>Fine.</sup> this act shall be fined not less than fifty nor more than one hundred dollars for each offense, recoverable upon indictment by the grand jury, or by warrant before any justice of the peace in said county.

§ 3. All fines recovered for a violation of the provisions of this act shall go to the common school fund of the district in which the offense is committed, and shall be paid out for the benefit of the schools in such district, as now provided by law.

§ 4. This act shall be in force from and after its passage.

Approved February 18, 1882.

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CHAPTER 228.

AN ACT for the benefit of the Hardinsburg and Cloverport Turnpike Road Company.

WHEREAS, The Hardinsburg and Cloverport Turnpike Road Company, a company existing by virtue of an act approved February 23d, 1860, and various amendments thereto subsequently enacted, have constructed a turnpike road from Hardinsburg to Cloverport, and covered the same with stone and gravel to a sufficient width and depth, and the same is now being traveled by the public; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said turnpike road, as now constructed, be, and the same is hereby declared to be, a lawful turnpike road, and the said company is hereby empowered and authorized to charge such rates of toll for travel over the same as they may

deem proper, not exceeding the rates prescribed by the General Statutes of Kentucky.

2. That all acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 18, 1882.

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CHAPTER 229.

AN ACT to reduce the number of magistrates' districts in Hancock county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the next election of justices of the peace in and for the county of Hancock, said county shall be divided into three justices' or magistrates' districts only, as follows: The first district shall include all that part of said county now embraced in the Hawesville and Indian creek precincts; the second district shall include all the territory now embraced in the Lewisport and Yellow creek precincts, and the third district shall include the Pellville, Patesville, and Lane's precincts; and at the August election, 1882, an election shall be held in each of said three districts for the purpose of electing two justices of the peace and one constable, and after their qualification, the board of magistrates shall consist of the six justices so elected, and no more.

§ 2. That the voting precincts in said county shall remain as now laid off and constituted until changed or altered according to the provisions of the General Statutes.

§ 3. That when the term of the justices of the peace now in office shall expire, it shall be their duty to return to the county judge of said county all the books and papers in their possession belonging to the office, for which they may take his receipt; and the said judge shall distribute them to their successors so as to place them most convenient to those interested, and take receipts for the same.

§ 4. This act shall be in force from and after its passage.

Approved February 18, 1882.



## CHAPTER 230.

AN ACT to authorize the county court of Robertson county to subscribe stock to turnpike roads, and to issue bonds for the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Robertson county is hereby authorized and empowered to, and shall subscribe not more than fifteen hundred dollars per mile, and not less than twelve hundred dollars per mile, to any turnpike road company that shall be properly organized in said county: *Provided*, After the 1st day of January, 1882, that said company shall have procured from individuals, companies, or corporations subscriptions, which, when added to said county subscription, shall be sufficient to complete the road of such company, and that such road is not less than five miles in length. The county court shall hear proof and determine whether the amount and solvency of subscriptions have been made as above required.

County subscrip-  
tion.

§ 2. That said court is authorized to issue the bonds of said county, bearing interest at a rate not exceeding six per cent., redeemable at any time within ten years, at the option of the county court. Said bonds shall be signed by the county judge and countersigned by the county clerk of said county. None of said bonds shall be issued until such road or roads are under bona fide contract for building, and then only so many of them shall be sold, at a rate not less than par, to discharge such subscription. Such bonds shall only be sold to meet the regular calls for subscription made in pursuance of the company's charter.

May issue bonds

§ 3. That it shall be the duty of the county court, annually, at the court of claims, to levy an ad valorem tax upon the taxable property of the county, and not exceeding one dollar on the tithes, to pay the accrued interest on such bonds that may be actually sold, and also one-tenth of the principal thereof. The tax thus levied shall be collected as the revenues of the county are collected, and set apart exclusively for the purposes aforesaid.

Levy tax.

§ 4. That said court be, and is hereby, authorized to elect a treasurer, who shall be known and styled as turnpike treasurer of said county, who shall execute bond with good security to be approved by said court, to faithfully discharge the

Treasurer—bond

Oath.

duties of said office, and to pay over all money which may come to his hand as such treasurer, upon the order made by said county court, and entered upon its order-books. Before entering upon the duties of his office, said treasurer shall take an oath to faithfully discharge his duties, and to account for and pay over all moneys as herein directed. For any breach or neglect of duty upon his part, he and his sureties shall be liable to the suit of said county. The county court shall have power to remove said treasurer for any breach or neglect of duty as such, and appoint another person in his stead, to whom the removed treasurer shall pay over at once all moneys which may have come to his hands as treasurer.

§ 5. It shall be the duty of said county court, at the same time the claims against the county are published annually, to cause to be published, in connection therewith, the number, amount, and date of the bonds issued, and the names of the persons to whom sold, and the amount for which they were sold.

§ 6. Wherever the term county court is used in this act, it means the county court composed of the county judge and a majority of the justices of the peace of said county.

§ 7. It shall be the duty of the sheriff of said county to collect said turnpike tax at the same time and in the same manner he collects other county taxes, and pay the same over to said treasurer on or before the first day of May in each year, the sheriff and his sureties on his county levy bond shall be responsible for any neglect or failure of duty upon the part of said sheriff under the provisions of this act.

§ 8. This act shall be in force from its passage.

Approved February 18, 1882.

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## CHAPTER 231.

AN ACT to incorporate the Louisville Coal and Coke Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That John Henry, Clarence Sale, William Egelhoff, Solomon McCollum, Henry Krupp, J. P. McCollum, George Hoertz, W. T. Pyne, J. K. Leahy, and Martin Berger, are hereby created a body-politic and corporate, under the name

of the Louisville Coal and Coke Company; and by that name have power and authority to contract and be contracted with, to sue and be sued, to plead and be impleaded; to have a common seal, and alter same at pleasure. They shall have the right to purchase, hold, lease, and work any lands deemed useful or necessary for the prosecution of its business; also to acquire such real or personal estate as is useful or requisite for the same, and it may at any time sell, exchange, mortgage, or convey said estate, or any portion thereof, and purchase other. Said company shall have full authority to make railroad connection with main line of any railroad adjacent to their mines: *Provided*, Said road shall be constructed on the land belonging to said company. They shall have power to erect and maintain all needed elevators, shed, depots, floats, and boats; to buy, sell, and mine iron and coal, or other mineral substances; may carry on milling and manufacturing, and dispose of the products. The principal places of operating and carrying on its business will be at Central City, Muhlenburg county, Kentucky, at the crossing of the Chesapeake and Ohio and Southwestern and Owensboro and Nashville Railroads, and in the city of Louisville, Kentucky.

§ 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each; but may commence business when eight thousand dollars shall be subscribed as stock, with the privilege of increasing the same to meet the demands of its business by a vote of its stockholders, but to make said increase a majority of the stocks shall be voted therefor; the said stock to be divided into shares of one hundred dollars each, to be paid in upon calls in such way, and at such times and places, as ordered by the board of directors.

§ 3. The business and affairs of said corporation shall be managed by a president and board of directors. The directors shall be chosen annually by the stockholders, on the third Tuesday in January of each year, who shall continue in office until their successors are duly elected and qualified. The president shall be chosen from the directors, and no one shall be qualified as president or director unless he is an owner of stock in said company. In said elections a majority of the stock voting shall control, and the vote may be cast in person or by proxy. There shall be five directors chosen at the first.

annual election, and the number may afterward be increased to seven by the by-laws of said corporation.

§ 4. The said board of directors may have the power to appoint and dismiss any officer or agent at their pleasure in the conduct of the business of said corporation; and may require of said agents or officers bonds for the security of a faithful discharge of duty, and to account for all money or property which may come to the possession or under the control of said agent or officer belonging to said corporation.

§ 5. Said president and directors shall have full power to make such by-laws, rules and regulations, for the conduct of its affairs as they shall deem fit; and for regulating and controlling its officers and agents, not in conflict with the Constitution of the United States or the Constitution and laws of the State of Kentucky.

§ 6. That by a vote of the majority of the stock the said corporation may have the right to borrow money to the amount of not more than one half of the capital stock paid in, and issue the bonds of said company or corporation in such sums, and payable at such times and places, as may be agreed, and for the security and payment of said bonds may mortgage any or all property of said corporation to the party or corporation from whom said money is borrowed, or to any other person; and said bonds may be made to draw interest at any rate not to exceed ten per cent. per annum, if so agreed, and the same shall be valid in law.

§ 7. Said company may contract with its employes and tenants occupying its real estate, or any portion thereof, that leaving the service of the company, or being discharged therefrom, shall terminate such tenantry of such tenant; and such contract shall be deemed lawful and may be enforced by writ of forcible detainer after ten days' notice to quit.

§ 8. That until the first annual election herein provided for, five of the corporators herein named, to-wit: Sol. McCollum, Henry Krupp, William Egelhoff, George Hoertz, and John Henry shall hereby be constituted the directors of said corporation, and shall hold their office until their successors are duly elected and qualified; and ten days' notice of each annual election shall be given by publication in one of the daily newspapers published in the city of Louisville, Kentucky; and said election shall be held at the principal office of the company in Louisville, Kentucky.

§ 9. The shares in said corporation shall be deemed personal estate, and transferable in such manner as said corporation shall by rules and by-laws prescribe.

§ 10. The private property of the stockholders shall be exempt from corporate debts of said corporation.

§ 11. *Be it further enacted*, That this act shall take effect and be in force from and after the date of its passage.

Approved February 18, 1882.

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CHAPTER 232.

AN ACT to authorize the county court of Clark county to appoint commissioners to sell and convey the old jail property in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Clark county, a majority of the justices in said county being present and voting thereon, is authorized to appoint two commissioners, and to invest said commissioners with authority to sell and convey the old jail property in said county. The sale may be made publicly or privately in the discretion of the commissioners, and subject to the approval of said court. Said property is situated in Winchester, Kentucky, fronts upon the public square, runs back to Fairfax street, and is the same now used as a county jail, and must be duly advertised before it is sold. Said commissioners will not make deed or convey any title to said property until the whole of the purchase price has been paid to the treasurer of said county.

§ 2. This act to take effect from its passage.

Approved February 18, 1882.

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CHAPTER 233.

AN ACT to authorize the Madison county court to issue bonds, and provide for their redemption.

WHEREAS, At an election duly held on the 25th of June, 1881, the qualified voters of Madison county agreed that stock should be subscribed for and on behalf of said county to the amount of two hundred thousand dollars in the Kentucky Central Railroad Company, and the county court of said county was authorized to provide for the payment of the

amount subscribed by the issue of county bonds, or in any other way provided by law; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Madison county court, composed of the county judge and a majority of the justices of said county, be, and they are hereby, authorized and empowered to issue the bonds of Madison county, with interest coupons attached, to an amount not exceeding two hundred thousand dollars; of denominations of not less than five hundred dollars nor more than one thousand dollars, payable to bearer at a place designated in the order issuing same, fifteen years from their date, but redeemable at the pleasure of the county court after five years from their date, bearing interest at the rate of six per cent. per annum, which shall be paid annually when due, on the presentation of the coupons at a national bank to be designated by the county court of said county.

§ 2. The said county court of Madison county shall prescribe the form of said bonds, which bonds, and the coupons attached, shall be signed by the county judge and attested by the county clerk, and it shall be the duty of the said county court to make the necessary arrangements for the annual payment of the interest on said bonds and for their final redemption.

§ 3. To enable the county court, composed of the county judge and a majority of the justices of Madison county, to comply with and carry out the provisions of this act, it is hereby authorized to levy an annual tax of not exceeding one dollar on each poll, and not exceeding fifty cents on each one hundred dollars' worth of taxable property assessed for State revenue in said county.

§ 4. The taxes levied under the authority of this act shall be collected by the sheriff of Madison county; but before he shall be authorized to collect such tax he shall execute bond, with sureties approved by the county judge of Madison county, conditioned that he will faithfully and promptly collect and pay over to the proper person or persons authorized to receive the same, and within the time prescribed, all taxes levied under this act which may be intrusted to him for collection, and the sheriff or other officer collecting said taxes shall receive the same compensation as is allowed by law for the time being for collecting the State revenue; and if any

sheriff or other officer has in his hands for collection taxes levied under this act, and shall fail to collect and pay over the same within the time prescribed, such sheriff or other officer shall, with his sureties, be liable for the amount not paid as required, and ten per centum thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction of the amount not thus paid over; and any execution issued on such judgment shall not be replevied, but shall be indorsed by the clerk issuing the same that no security of any kind is to be taken. If the sheriff, for thirty days after the tax is levied, fail to execute bond as required herein, then the county judge of said county shall appoint a collector, who shall execute bond, with securities to be approved by the county judge, and he shall have the same powers and be subject to the same liabilities, he and his sureties, and perform the same duties as are imposed by this act on the sheriff; and all taxes levied and collected as herein provided shall be held sacred for the payment of the principal and interest of said bonds, and for no other purpose.

§ 5. The proceeds arising from the sale of the said bonds of Madison county shall be applied to the payment of the amount subscribed for and on behalf of said county to the Kentucky Central Railroad Company, and the bonds may be issued and sold in installments as deemed proper by the said county court, so as to meet the indebtedness of said county to said railroad company as the same becomes due.

§ 6. The said county court is hereby authorized and directed to create a sinking fund, and to appoint three discreet and reliable persons commissioners of said sinking fund, who shall arrange, under the orders of the county court, for the payment of the bonds and coupons as they become due or redeemable. The commissioners may, under the direction of the county court, sell said county bonds, and also the stock which is issued by the Kentucky Central Railroad Company, to the county of Madison, and whatever amount is realized by the sale of the said stock shall be appropriated and used for the reduction of the indebtedness of said county caused by the subscription of stock or the issue of bonds as herein referred to.

§ 7. The said commissioners are authorized to receive from the sheriff or collector of said county all the money derived from the tax levied and collected as herein provided for, and

the said sheriff or collector shall, as a part of his official duty, pay all such tax required to be collected by him to said commissioners within seven months from the time the tax is levied; and if said tax is not paid when due by said sheriff or collector, then said commissioners shall, by proper proceedings in a court of competent jurisdiction, collect from him and his securities any money payable by him which belongs to said fund as hereinbefore directed.

§ 8. It shall be the duty of the county court to require said commissioners to execute bonds, with good security worth not less than the amount that may come into their hands, and require them to take an oath to faithfully and impartially discharge all their duties and obligations, and to obey all orders of the court directed to them as provided in this act. The commissioners shall be elected biennially at a regular meeting of the county court of levy and claims, and they shall renew their bonds biennially, and oftener if the county court should so order; and they shall make a full report once each year to the county court of their acts as commissioners, and oftener if required by the county court; and the said county court is authorized to fill any vacancy that may occur in the board of commissioners by death, resignation, or otherwise, and said court may remove a commissioner for cause when it is necessary.

§ 9. The commissioners, under the orders of the county court, may loan or invest any funds remaining in their hands after paying the indebtedness of the county which is due.

§ 10. The said county court shall have power to make all orders necessary for carrying into execution the provisions of this act, and the county judge may at any time convene the justices of said county for said purpose, and it shall be the duty of the county court to provide for the payment of all expenses necessary to secure the printing, issuing, and sale of the bonds herein provided for, and all other expenses that may be properly incurred in the management and control of the said bonds and funds, out of the county levy, including a reasonable compensation to the commissioners of the sinking fund.

§ 11. If the county of Madison, from the sale of stock in any corporation, or from the sale of bonds, or from any other source, now has or shall have a surplus of money, then the county court of said county may apply the same, or any part



thereof, to the payment of the indebtedness herein referred to.

§ 12. Nothing in this act shall prevent the county court of Madison county from levying a tax sufficient to pay the indebtedness of Madison county to the Kentucky Central Railroad Company as the same becomes due.

§ 13. The bonds herein authorized to be issued shall have set forth and expressed upon their face the conditions that the bonds are redeemable at the pleasure of the county court after five years from their date; and the payment of any of the bonds hereby authorized, after the expiration of five years, shall be made in amounts and at such times as may be determined by the said county court issuing them, by an order made upon their records; but the particular bonds so to be paid and canceled shall in all cases be indicated and specified by date and number in the order of their numbers, beginning with the bond first numbered, and after two months' published notice, given by the commissioners of the sinking fund in a weekly newspaper to be designated by the county court, interest on the bonds so selected and advertised to be paid shall cease.

§ 14. This act shall take effect from its passage.

Approved February 18, 1882.

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## CHAPTER 235.

AN ACT to exempt the Allansville Turnpike Road Company, in Clark county, from liability for failing to baluster or fence its road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Allansville Turnpike Road Company, in Clark county, Kentucky, be, and it is, exempted from all liability for failing to baluster or fence its road at any point on said road, except along the sides of the fills and bridges on said road.

§ 2. This act shall take effect from its passage.

Approved February 18, 1882.

## CHAPTER 236.

AN ACT to empower the county court of Knox county to levy a tax for road purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Knox county, a majority of the justices being present, shall have power, at any regular or called term of said court, to levy an ad valorem tax not exceeding twenty cents on each one hundred dollars' worth of taxable property in said county in any one year, which tax shall be collected and accounted for by the sheriff of Knox county, and for which he and his sureties shall be responsible on his county levy bond.

§ 2. That the funds arising under this act shall be appropriated by said county court in building and keeping in good repair a road from the depot established by the Knoxville Branch of the Louisville and Nashville Railroad, most convenient to Barbourville, Kentucky, to the Bell county line, by way of Barbourville and Flat Lick.

§ 3. It shall be lawful for the county judge of Knox county to call the justices of said county together, at any time after the passage of this act, for the purpose of levying said tax.

§ 4. This act to take effect from its passage.

Approved February 18, 1882.

## CHAPTER 237.

AN ACT legalizing the action of the Boyd county court in making an appropriation in aid of the detection and arrest of murderers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the action of the Boyd county court in making an appropriation of two hundred dollars in aid of the detection and arrest of the persons who committed the murders at the house of Gibbons, in Ashland, on the night of December 23d, 1881, is hereby legalized, and the same may be paid out of any moneys now under the control of the court, or that may be hereafter raised by taxation for county purposes.

§ 2. This act shall take effect from its passage.

Approved February 18, 1882.

CHAPTER 238.

AN ACT legalizing the action of the board of common council of the city of Ashland, appropriating money in aid of the arrest of murderers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the action of the board of common council of the city of Ashland in making an appropriation of two hundred dollars in aid of the detection and arrest of the persons who committed the murders at the house of Gibbons, in said city, on the night of December 23d, 1881, is hereby legalized, and said board of common council may provide for the payment thereof out of any funds under the control of the council, or funds that may be hereafter raised by taxation or otherwise.

§ 2. This act shall take effect from its passage.

Approved February 18, 1882.

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CHAPTER 239.

AN ACT to repeal an act, entitled "An act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe," so far as said act applies to Sebree City, in Webster county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe," be, and the same is hereby, repealed, so far as the provisions thereof apply to Sebree City, in Webster county; and the police judge and town marshal of said town shall have the jurisdiction conferred upon them in the act incorporating said town.

§ 2. This act shall take effect from its passage.

Approved February 18, 1882.

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CHAPTER 240.

AN ACT to incorporate the Capital City Lumber, Mining, Manufacturing and Transportation Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John L. Sneed, G. R. Rodman, Grant Green, A. W. Overton, and John W. Rodman, their associates, success-

ors and assigns be, and they are hereby, constituted a body-corporate and politic, by the name and style of the Capital City Lumber, Mining, Manufacturing, and Transportation Company, and by that name and style shall have perpetual succession, with power to contract and be contracted with; to own property, both real and personal, and to sue and be sued in all courts and places; to have a common seal; to engage in mining for coal, iron, and other minerals, and cutting and running timber, and preparing such metals and timber for market, and transporting and selling them within and without this State; and to do other acts, and have all other powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.

§ 2. The said company may organize said company by the election of a president and board of directors not exceeding five in number, and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given, and when thus organized the said company shall have power to make such by-laws, rules and regulations, as they may deem necessary from time to time for the government and prosecution of the business of the corporation, not inconsistent with the Constitution and laws of the United States and this State.

§ 3. The capital stock of said company shall not exceed two hundred thousand dollars, divided into two thousand shares of one hundred dollars each. Said company may issue bonds to an amount not exceeding one hundred and fifty thousand dollars, with six per cent. interest-coupons attached, which bonds shall be signed by the president and countersigned by the secretary of said company, and the coupons shall be signed by the secretary, and mortgage any part of its property to secure the payment of same. Said bonds shall be made payable in not exceeding twenty years from their date, at such point or place as may be designated in the said mortgage, and the interest shall be made payable semi-annually.

§ 4. The said company may buy, lease, or rent any suitable lands, timber, mines, mining privileges, rights of way, saw-mills, and other manufacturing machinery, and other property and rights of way as they may deem necessary, and may dispose of the same by sale or lease, or any portion of the same. They may receive real estate, leasehold estate, min-

ing rights, the right to take timber, and the right of way, in payment of such part of subscriptions as they may deem advisable.

§ 5. Said company may construct tram-ways, railway or railroads, and operate the same from its mines and mills to any other railroad or navigable stream within twenty miles of its mines or business, and it may make any contract or agreement with any railroad company which they may connect with, which it may deem proper for running its cars and locomotives over such other road, or such other road running its locomotives and cars over this company's road; and this company may charge such tolls and fares for traffic over its roads as may be allowed by law. And if, for the purpose of constructing the roads aforesaid, it be necessary to pass the lands of others, and it cannot agree with such person or persons on the amount of compensation to be paid for the same, then this company may condemn the same for the use of said company as provided by chapter one hundred and ten, General Statutes, for turnpike roads, &c.

§ 6. The principal office of this company shall be in the city of Frankfort, and said company may erect and build on any of their lands such buildings, saw-mills, machinery, engines and fixtures, as may be deemed convenient and proper for establishing and conducting the business of said company.

§ 7. The individual property of stockholders of this company shall not be liable for the debts of said company.

§ 8. This act shall take effect from and after its passage.

Approved February 18, 1882.

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#### CHAPTER 241.

AN ACT to empower the county court of Carter county to sell and convey portions of the poor-house lands belonging to Carter county, and to use the proceeds in the erection or improvement of necessary public buildings of said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That power and authority is hereby given the county court of Carter county, composed of a majority of the justices of the peace of said county in commission and the county judge, to sell such portions of the poor-house farm of said county as said court may deem proper, and on such terms as

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it may see proper to prescribe. Said sales shall be made through a commissioner, to be appointed by said court for that purpose, to whom the notes and bonds of the purchasers shall be made payable as commissioner, and said court, in the name of said commissioner, shall have the right to enforce the payment of the purchase money for which said lands or any of them may sell. Said commissioner may institute suits in courts having jurisdiction in his own name as commissioner, and he shall have the same powers as is by law given to receivers under existing laws. Said commissioner shall execute bond in said court, and take oath as is required by law of commissioners and receivers, before he proceeds to act. He shall hold all sums of money which may come to his hands as such, subject to the order of the Carter county court for the purposes herein named.

§ 2. It shall be the duty of the county court of Carter county to use and expend all the proceeds which shall arise from the sales of the lands aforesaid in the erection of suitable and necessary public buildings or the improvement of those already built belonging to said county. They shall have power to construct and build a new jail-house of said county, and convert the present jail into clerks' offices, and fit the present jail-house up as clerks' offices.

§ 3. The county court of said county of Carter shall cause any and all of the lands sold under the provisions of this act to be conveyed to the purchasers by proper deeds. Said conveyances shall be made through a commissioner appointed by said court. Said deeds shall be acknowledged in and approved by said Carter county court, and so indorsed by the judge of said court; and when so made, shall invest the legal title in the purchasers for the lands conveyed by said deeds. Said commissioner shall convey the lands sold for and on behalf of Carter county, and said conveyances shall contain covenants of general warranty.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved February 18, 1882.

CHAPTER 243.

AN ACT authorizing the county court of Livingston county to levy an ad valorem tax for county purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Livingston county, a majority of the justices of the peace for said county concurring therein, may, at the October term of said court, in the years of 1882, 1883, 1884, and 1885, or either of said years, levy an ad valorem tax upon all the taxable property, real and personal, of said county, not exceeding five cents on each one hundred dollars' worth of property listed for taxation in said county for any one of said years, to be applied to the building and repairing bridges in said county.

§ 2. Said tax so levied by this act shall be collected by the sheriff of said county, in the same manner and at the same time the county revenues are collected.

§ 3. Said sheriff shall be liable on his county levy bond for the collection and payment of said tax in obedience to the orders of said court.

§ 4. Said sheriff shall be allowed for his services in collecting and paying over said tax the same as are now allowed sheriffs for collecting and paying over State revenue.

§ 5. If said sheriff shall fail to collect and pay over said tax within the time now prescribed by law for collecting and paying the county levy tax, the said county court, or any creditor of said county, shall have the same remedies as are now allowed by law against sheriffs for a failure to collect and pay county levy tax.

§ 6. This act shall take effect from its passage.

Approved February 18, 1882.

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CHAPTER 244.

AN ACT for the benefit of the Goshen and Sligo Turnpike Road Company, and certain subscribers thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Goshen and Sligo Turnpike Company shall, and it hereby has, full power and right to erect a toll-gate and house on the land purchased by said company from John

Eckley, in Oldham county, and charge and collect the toll for travel on said road at that gate so erected as if said gate had been located on said road of said company.

§ 2. That the Goshen and Sligo Turnpike Company shall have the right and power to contract with the River Road Company as to the leasing any portion of their road, and may make a contract with them as to division of tolls collected for travel over their respective roads.

§ 3. That all persons who have subscribed and paid for the construction of said turnpike road an amount equal to one dollar for each acre of land they may have owned on the date of their said payment, and the tenants residing on the lands of said subscribers shall, by virtue thereof, be exempt from work on the county roads of Oldham county, as required by the General Statutes of Kentucky.

§ 4. That this act shall be in force and effect from and after its passage.

Approved February 18, 1882.

#### CHAPTER 245.

AN ACT to incorporate the Middle Fork Milling, Mining and Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Style. § 1. That a corporation is hereby created, to be known as the Middle Fork Milling, Mining and Manufacturing Company, and as such may sue and be sued, plead and be impleaded, and have such other powers and privileges as a natural person would have for the purposes hereinafter named.

Powers. § 2. Said company shall have power to conduct and carry on the business of milling, mining coal or iron, sawing and manufacturing timber of all kinds, and may have and maintain a saw and grist-mill, dam, and a boom for logs on the Middle Fork of Red river, in Powell county, Kentucky, at or near the mouth of Graining Block creek, and also at Graining Block creek, when the lands of said company lie adjacent to said creek. Said dam or dams and boom or booms shall be so constructed that logs other than those owned by said company may pass.

Capital stock. § 3. The capital stock of said company shall not exceed fifty thousand dollars, in shares of one hundred dollars each,



and said company may be organized whenever so much as fifty shares of said capital stock shall have been subscribed.

J. W. Martin and F. T. Martin are hereby appointed commissioners to open the subscription books of said company, and receive subscriptions to its capital stock. Commissioners.

§ 4. The officers of said company shall consist of five directors, from whom shall be chosen a president and vice president, and also of a secretary and treasurer, and such other officers as may be created by the board of directors. The board of directors may make such by-laws and regulations as it may deem proper, not inconsistent with this charter or the laws of the land. Officers.

§ 5. Said company may conduct its said business in the counties of Clark, Powell, and Wolfe, or either of them, and have its principal office in either of said counties.

§ 6. Said company shall have power to acquire and hold lands in either of said counties, and to sell and convey same through the deed of its president and secretary.

§ 7. This act shall go into effect from and after its passage.

Approved February 18, 1882.

#### CHAPTER 246.

AN ACT to incorporate the Kentucky Trust Company of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Alvin Wood, J. B. Temple, William Hughes, Jas. A. Beattie, T. A. Lyon, L. L. Anderson, E. D. Foree, Arthur Peter, John T. Moore, G. F. Downs, George W. Morris, John Barbee, Jacob Krieger, and John E. Green, and their associates, successors, and assigns, being stockholders in the company hereby incorporated, be, and they are hereby, created and made a body corporate and politic, by and under the name and style of the Kentucky Trust Company of Louisville, with a capital of one million dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified, and shall continue as such body-corporate and politic for the term of twenty years from its organization; and are hereby given, and shall have by that name, the capacity in law to contract and be contracted with, to grant

and receive, sue and be sued, implead and be impleaded, and answer and defend, in all courts and places whatsoever; to have and use a common seal, and the same to break, alter, or renew at pleasure; and by its board of trustees to ordain, establish, and put in execution such by-laws, not contrary to law, as may be deemed necessary, proper, and convenient for the government of the said corporation.

§ 2. That the said company shall be under the control and direction of a board of six trustees elected by the stockholders thereof as herein prescribed. The trustees shall be stockholders in the said company, shall be residents of this State, and shall hold their offices until their successors are elected and qualified. The board of trustees shall, immediately after the first election hereunder, divide itself into three classes of two (2) each. The term of office of the first class shall expire at the first, that of the second class at the second, and that of the third class at the third annual election thereafter; and at such first annual election, and annually thereafter, two trustees shall be chosen for a term of three years. Trustees shall be re-eligible, and vacancies occurring in the intervals of elections shall be filled by the board for the unexpired residue of the term. The trustees shall elect of their number a president and a vice president, and shall hold regular meetings at such times as shall be fixed by the by-laws; and other meetings may be held whenever deemed necessary. The trustees shall have power to receive subscriptions for so many of the shares of the stock of the said company remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of its business; and to appoint such officers, agents, and servants as they may deem necessary to conduct such business, and pay them such sums as salaries and wages, and take from them such bonds to secure the faithful performance of their duties, as the trustees shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of trustees shall, from time to time, establish; but the said company shall, to secure any indebtedness to it by a stockholder, have a lien on his stock therein.

§ 3. That any three of the incorporators named in the first section of this act may open books and receive subscriptions for the capital stock, and when three hundred shares shall

have been subscribed, it shall be their duty to appoint a day for the first election of a board of trustees, and to give each subscriber to the said capital stock at least five days' notice of the time and place of holding such election. Two dollars shall be paid on each share of such stock at the time of subscription thereof, and the residue in such sums, at such times, and on such terms as to forfeiture for non-payment, as the board of trustees shall resolve and provide. Until the said company shall have an actual paid up capital stock of at least one hundred thousand dollars, and a certificate in writing of such fact shall have been made by the president and three of the trustees of the said company, and acknowledged and sworn to by them before the clerk of the county court of Jefferson county in this Commonwealth, and recorded by him in his office, copies of which record, duly certified by the said clerk, shall be evidence in this State for every purpose, the said company shall transact none of the business authorized by this act, except the negotiation of loans of money, and of the management, purchase, and sale of property, real, personal, or mixed, for or on account of others.

§ 4. That the said company may receive deposits of gold, silver, bank-notes, and other notes which may be lawfully circulated as money, and repay the same in such manner, at such times, and with such interest, not exceeding the rate of six per centum per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking house or office, or at any incorporated bank, or at any bank organized under the laws of the United States, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the acceptors, makers, drawers, and indorsers thereof. The said company may negotiate loans of money, and may purchase, sell, and manage property, real personal, and mixed, including stocks, bonds, bills, notes, and other choses in action and evidences of debt, and may collect and adjust and settle the same for or on account of others,

and may guarantee the payment of loans negotiated through it. In all matters committed or intrusted to its care, and with respect to loans made by it for or on account of others, it may, in case of default in or the non-payment of such loans or indebtedness, exercise all the powers herein granted to it, with respect to the securities for loans made by it, in the same manner as if such loans were made in its own right. And the said company shall also possess and have the power to receive upon deposit for safe-keeping jewelry, plate, stocks, bonds, and valuable property of every kind, in such manner and upon such terms as may be prescribed in the by-laws of the said company; and for its services the said company may charge and receive such rates of compensation as may be fixed by law, where such rates are fixed by law, or where not so fixed, such rates of compensation not contrary to law as are reasonable, usual, and customary, or as may be agreed on between the said company and its customers.

§ 5. The said company may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree; and may sell and convey the same or any part thereof.

§ 6. The board of trustees may appoint such committees of the board and officers of the said company as the board may deem necessary, and by resolution define and fix the powers and duties of such committees; or the same may be fixed and defined in and by the by-laws of the company.

§ 7. The stockholders' meeting for the election of trustees, and the transaction of such other business as may be brought before it, shall be held on the second Tuesday in January of each year; and other meetings of the stockholders may be held from time to time on the call of the board of trustees or of twenty stockholders, in writing, and after three days notice thereof, printed in two daily newspapers published in the city of Louisville. A quorum at a stockholders' meeting shall be a majority of the paid-up capital stock, so far as calls may then have been made thereon, of the said company represented by the stockholders in person or by proxy. Should the annual election of trustees, for any reason, not take place at the time herein appointed, it may be held at any meeting of the stockholders thereafter called and held for the pur-

pose. A majority of the board of trustees, including president or vice president of the said company, shall constitute a quorum of the board of trustees.

§ 8. The General Assembly shall have the right to examine the affairs of the said company by any committee they may appoint for that purpose.

§ 9. It shall not be lawful for the company to issue any note or bill to be passed or used as currency.

§ 10. This act shall take effect from and after its passage.

Approved February 18, 1882.

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CHAPTER 247.

AN ACT to amend the charter of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there shall be elected on the second Thursday in the month of November, in the year 1885, and in every four years thereafter, by the general council of the city of Louisville, in joint session, on *viva voce* vote, a wharfmaster and back tax collector, and all other city officers elected by the city council. That the present wharfmaster and back tax collector shall hold their respective offices until the election herein provided for, but each shall, at the end of the term for which previously elected, execute bond, with good sureties, conditioned for the faithful performance of the duties of their offices until the election herein provided for.

§ 2. Every wharfmaster and back tax collector elected under the provisions of this act shall, before entering on the duties of his office, execute bond to the city of Louisville, with good and sufficient sureties, conditioned for the faithful performance of his duties.

§ 3. This act shall take effect from and after its passage.

Approved February 23, 1882.

## CHAPTER 248.

AN ACT authorizing the improvement of the Fountain Ferry Road in Jefferson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1 That the Fountain Ferry road, in Jefferson county, commencing at the western line of the city of Louisville, and extending westwardly to Front street, as known as West Louisville, and fronting the Ohio river, shall be improved twenty feet wide by macadamizing or graveling or both, at the cost and charge of the owner or owners of the land within fifteen hundred feet each side of said road authorized to be improved by this act. The road shall be graded and shaped for proper drainage, with all necessary culverts and bridges for public travel, and when completed, the county court of said county shall have control over it, and keep it in repair at the cost and expense of said county.

Commissioners—  
powers.

§ 2. That W. R. Ray, J. F. Pelle, Jos. Shulte, J. W. Stine, John M. Delph, and Nicholas Knadler, are appointed commissioners for said improvement, and they have the power to contract and be contracted with for all necessary materials and work for the construction of said improvements, to employ an engineer, and to have the general superintendence and control of said road and improvements thereof, and all matters connected therewith; and should any such contractor or engineer fail, refuse, or neglect to perform his duty or contract, said commissioners may discharge him, and annul the contract or employment; and should any of said commissioners fail or neglect or refuse to act, or should there be a vacancy in said board of commissioners from any cause, the judge of said county court may supply said vacancy by the appointment of some proper and fit person.

Engineer— duty.

§ 3. That it shall be the duty of the engineer to ascertain, by actual measurement, the number of square feet or acres or parts of acres of land within the boundaries aforesaid, and the names of the owners thereof, and to make an estimate of the probable cost of said improvements, including all necessary and proper outlays for or attending the construction of said improvements of said road, and to report the same to the judge of said county court, with a fair and equal apportionment of said cost and expenses among said owner or owners of land within said boundary, according to the number of

square feet or acres or parts of acres owned by them respectively.

§ 4. That the judge of said court shall have jurisdiction to receive and cause to be recorded in the record of said court the said report of the engineer, and to hear, try, and act as judge of the court on any objections or exceptions or complaint of any owner or owners of land apportioned to pay for the construction of said road, and to correct said apportionment; and said judge shall, upon said report of the engineer being apportioned by him, cause certificates to be issued by the clerk of the court against the said owners of land, respectively, in favor of said commissioners, or to such person or persons as they direct in writing according to said apportionment.

§ 5. That a lien shall exist upon the land apportioned as  
aforesaid for the amounts chargeable, with the costs and expense of the construction of the work and material and other expenses incidental to making said improvements, which lien may be enforced in the Louisville chancery court by said commissioners, contractors, or other person holding and having right to said certificate, or any of them, and the land which is chargeable with the amount of such certificate sold. Lien.

§ 6 The engineer shall have the immediate and special superintendence of the construction of said road, and have the power to reject any material or work which may not, in his judgment, be a compliance with the contract for said material or work; but he shall report to said commissioners immediately such suspension. Engineer—duty.

§ 7. That said commissioners shall adjust and settle all accounts and claims for and on account of said improvements, and make a full detailed statement of such accounts to the judge of said county court, who shall examine them and approve or reject any item as in fiduciary accounts.

§ 8. That said commissioners shall not be personally bound or liable for any contract or agreement they may make for said improvements, nor for the collection of the cost of the same. They may assign said certificates to any contractors for work or materials, or other person having a claim against said road, or they may place the same in the hands of the sheriff of said county for collection, and if placed in his hands, he shall collect and account for the same as he is required by law to collect and account for the State revenue;

and he and his sureties on his bond as collector of the State revenue shall be bound to said commissioners, who may enforce said liability by proceedings by motions against said sheriff and sureties in the said county court by giving five days' notice. The said sheriff shall have no power to levy upon personal or real property to enforce the collections of said certificates or amount thereof, and he shall settle with and pay over to the clerk of said court for all collections made by him, which settlement shall be reported to the judge of said court, and when approved by him, entered on the record of said court. The sheriff's accounts and reports shall be subject to exceptions.

§ 9. That it shall be the duty of said clerk of said county court to record and receipt for all money paid to him by the sheriff on account of said improvements of said road, and to keep an account of same, and pay the same to the order of said commissioners, or a majority of them, and report his account to the judge of said court, and if approved by him, enter it on the record of the court. The said clerk and his sureties shall be bound and liable on his official bond to said commissioners, and they may enforce the same by motion.

§ 10. That said commissioners may cause said road to be graded so as to make a good and sufficient drainage of same, by ditching the side of said road, or otherwise, and cause the necessary culverts and bridges to be made on said road for public travel, which grading, ditching, culverts, and bridges may be contracted for and made before the metal is put upon said road; and the metaling of said road may be delayed or postponed by said commissioners until they shall consider it expedient and proper. The costs and expenses of said grading, ditching, culverts, and bridges to be paid for as directed for in this act for the payment of the making said road, with macadamizing or gravel, and such costs and expenses to be collected in the same manner. The commissioners may make all necessary contracts to carry into effect this act, and apportionment of the costs and expenses of grading, ditching, culverts, and bridges shall be made on the land within said district when said grading, ditching, culverts, and bridges are completed, and the work received by the commissioners; and if the commissioners thereafter determine to have the said road metalized as authorized by this section, the costs and expenses thereof shall be apportioned, borne, collected,

Costs.



accounted for, and paid over as directed in this act as to whole improvement, as provided in the case of the sheriff in this act.

§ 11. The sheriff and clerk of said court shall be entitled Compensation. for their services required by this act the same fees as now allowed by law for similar services: *Provided*, That that portion of the land embraced in the district named, lying and being within one thousand feet of said road, shall be liable for double the amount, in proportion to quantity, for which portion lying more than one thousand feet shall be liable.

§ 12. This act shall take effect from its passage.

Approved February 23, 1882.

#### CHAPTER 249.

AN ACT directing the Auditor of Public Accounts to revise the accounts of Isaac S. Bow, sheriff of Cumberland county, for the years 1879 and 1880, and to cause to be refunded to him any sum which he may have overpaid the State on said accounts.

WHEREAS, It appears that, owing to inaccuracies in the copies of the assessor's book furnished to the sheriff of Cumberland county for the years 1879 and 1880, he was overcharged for those years, and paid into the Treasury money not justly due from the county; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to revise the accounts of Isaac S. Bow, sheriff of Cumberland county, for the years 1879 and 1880, and if he find that said sheriff has been overcharged, and has paid into the Treasury any thing over and above his lawful indebtedness, the said Auditor shall refund the same to him, and is hereby authorized and directed to draw his warrant on the Treasurer in favor of said Isaac S. Bow for any sum ascertained as above indicated to be due him, and the said Treasurer will pay the same out of any fund in the treasury not otherwise appropriated.

§ 2. This act to be in force from its passage.

Approved February 23, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 250.

AN ACT to authorize the county court of Hart county to borrow money to relieve the poor of said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Hart county, a majority of the justices of said county being present and concurring therein, is authorized and empowered to borrow any sum of money they may deem proper, not exceeding three thousand dollars, for the purpose of providing for the poor and destitute of said county, and said court may appoint such officials or other persons of said county as they deem proper to borrow said money and superintend the distribution of same.

§ 2. The court by its orders shall direct the amount of money to be borrowed, the rate of interest to be paid, and the time for which it is to be borrowed: *Provided*, The rate of interest shall not exceed six per cent. per annum, and the time not to exceed two years.

§ 3. The court shall cause the bonds of said county to be executed for the money so borrowed, which bonds shall be signed by the judge of the county court of said county, attested by the clerk, and made payable at the office of the clerk of the county court of said county, and shall specify the purposes for which the bonds are executed, and said county court shall provide for the payment of said bonds out of the county levy of said county.

§ 4. This act shall take effect from its passage.

Approved February 23, 1882.

## CHAPTER 251.

AN ACT for the benefit of Larkin Morris, J. M. Adams, J. H. I. Jeffrey, P. J. Miles, and Joseph Doane.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That license and authority is hereby granted, and power conferred upon Larkin Morris, of Powell county; J. M. Adams, of Franklin county, J. H. I. Jeffrey, of McCracken county; P. J. Miles, of Mason county, and Joseph Doane, of Boyd county, to sell goods, wares, and merchandise, other

than spirituous, vinous, or malt liquors, anywhere within this Commonwealth without obtaining or having peddler's license to sell same.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1882.

CHAPTER 252.

AN ACT directing the Auditor of Public Accounts to revise the accounts of S. T. Bow, sheriff of Cumberland county for the years 1877 and 1878, and to cause to be refunded to him any sum which he may have overpaid the State on said accounts.

WHEREAS, It appears that, owing to inaccuracies in the copies of the assessor's books furnished to the sheriff of Cumberland county for the years 1877 and 1878, he was overcharged for those years, and paid into the Treasury money not justly due from the county; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to revise the accounts of S. T. Bow, sheriff of Cumberland county for the years 1877 and 1878; and if he find that said sheriff has been overcharged, and has paid into the Treasury anything over and above his lawful indebtedness, the said Auditor of Public Accounts shall refund the same to him, and is hereby authorized and directed to draw his warrant on the Treasurer in favor of said S. T. Bow for any sum ascertained as above indicated to be due him, and the said Treasurer will pay the same out of any fund in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1882.

CHAPTER 253.

AN ACT to authorize the people in district No. 7 (Gratz district), in Owen county, to vote a tax upon their property in aid of turnpike roads in the said district.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be, and is hereby made, lawful for the people of district No. 7, Gratz district, in the county of Owen,

Tax.

to vote upon the question whether they will impose a tax of not exceeding fifty cents on each one hundred dollars' worth of property in said district for the purpose of aiding in building two turnpike roads in said district, and bridges on said roads, to-wit, one running from Springport by way of Squiresville to the Owenton and Gratz Turnpike Road at or near Kemper's shop, and the other to run from Gratz straight across the creek by way of Clay Lick to the before named projected road, so as to intersect the same at Ball's Landing on the north side of Mill creek; said tax, if voted for by a majority of the people of said district, to be assessed for three successive years.

Election.

§ 2. On the first Saturday in April, 1882, there shall be opened a poll at Gratz, in said district, and an election shall be held, which election shall be presided over and conducted by two judges, a sheriff, and a clerk appointed by the Owen county court, at the regular March term, 1882 of said court, which said officers shall be first sworn faithfully to discharge the duty of holding said election, and making return thereof; and at said election all legal voters of said district may vote, and to each legal voter offering to vote thereat, there shall be propounded the question, "Do you vote for or against the turnpike tax?" and his vote shall be recorded with his name in accordance with his direction; and on the next day thereafter the said poll book shall be returned, properly certified by said officers, to the clerk of the county court; and the presiding judge of Owen county, the clerk of the Owen county court, and the sheriff of Owen county, who are hereby constituted a board for that purpose, shall compare the said poll-book, and shall certify the result to the Owen county court; and the said certificate shall be entered of record in the order-book of said court.

§ 3. If a majority of the votes cast at said election are in favor of said tax, it shall then be the duty of the sheriff of Owen county to collect from each owner of property in said district a tax of fifty cents, or any other amount not exceeding fifty cents, as hereinafter provided, on each one hundred dollars' worth of property in said district, which tax, when collected, shall be paid over by him to a treasurer thereof, who shall be appointed by the Owen county court, and who shall be required to give sufficient bond, and sureties therefor,

by said court, and who shall receive no compensation for his services as treasurer.

§ 4. That if it becomes the duty of the sheriff of Owen county to collect said tax, he shall be allowed at the rate of three dollars for each hundred dollars and fraction thereof collected by him, to be paid out of the fund so collected; but he shall be required by the county court of Owen county to execute bond, with good sureties, for the faithful performance of his duty to collect and properly pay over the said taxes. Compensation.

§ 5. There shall be posted, at five public places in said district ten days before said election, notices that the said election will be held, and of the rate of taxation proposed to be voted on, which notices shall be signed by the presiding judge of the Owen county court, and posted by the sheriff or his deputies; and when said election is held, the rate of taxation, if a majority shall vote in favor thereof, shall be fixed at the same rate as that named in said notices. Notices.

§ 6. The taxes and money so collected shall be appropriated and paid for the construction of and building and repair of the two roads, and bridges thereon, named in the first section of this act, and for no other purpose. Purposes.

§ 7. This act shall be in force from its passage.

Approved February 23, 1882.

#### CHAPTER 254.

AN ACT to amend the charter of the city of Hickman, Kentucky, and to regulate the sale of malt liquors in said city, or within one mile thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the city council of the city of Hickman shall have power to regulate and control the sale of malt liquors within the corporate limits of said city, and to pass and enforce such ordinances governing the premises where said liquors are sold, as the good order and peace of said city may require, not inconsistent with sections two and three of this act.

§ 2. That before any person shall sell any malt liquors within the corporate limits of said city, or within one mile thereof, they shall pay a privilege tax of three hundred dol-

## LAWS OF KENTUCKY.

lars per annum, one half at the beginning of each six months, to the treasurer of said city of Hickman, for the use and benefit of said city.

§ 3. That it shall be unlawful for any person selling malt liquors under the provisions of this act to keep, have, or use, or permit any one else to keep, have, or use, in any way, any spirituous or vinous liquors in or upon the premises where the malt liquors are kept or sold, or in or upon premises adjacent thereto under his control.

§ 4. Any person violating any of the provisions of this act shall be subject to a fine of sixty dollars for each offense, recoverable by warrant in the police court of said city of Hickman, Kentucky, for the use and benefit of said city; and, upon the second conviction, shall be debarred from selling thereafter.

§ 5. This act to be in force from and after its passage.

Approved February 23, 1882.

## CHAPTER 255.

AN ACT to amend the charter of the city of Augusta.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section twenty-one of the above entitled act be, and the same is hereby, amended as follows: By striking out the word fifteen, in the seventh line from the end of said section, and inserting in lieu thereof the word forty.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1882.

## CHAPTER 256.

AN ACT for the benefit of Willie G. Dunn, a minor.

WHEREAS, Willie G. Dunn, of Garrard county, Kentucky, is an infant eighteen years of age, and has in his own right considerable property, made by his own exertions and business capacity, and desires to be invested with all the rights

and privileges and responsibilities of an adult, except the right to vote; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said Willie C. Dunn is hereby vested with all the rights, privileges, and responsibilities of an adult, and is empowered to contract and bind himself as fully and thoroughly as if he were twenty-one years of age: *Provided*, That the right to vote is not conferred hereby.

§ 2. This act shall be in force from and after its passage.

Approved February 23, 1882.

## CHAPTER 257.

AN ACT to extend the charter of the Deposit Bank of Frankfort.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Deposit Bank of Frankfort," approved March 3d, 1863, as amended by the several amendments of said act passed by the General Assembly of the Commonwealth of Kentucky, be, and the same is hereby, extended and continued in force for twenty years from the third day of March, 1883: *Provided*, That the Legislature retains the right to alter, amend, or repeal the charter and all amendments thereto of said bank.

§ 2. This act to take effect from its passage.

Approved February 23, 1882.

## CHAPTER 259.

AN ACT to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company," approved March 11, 1867, and to amend an act amendatory of said act, entitled "An act to amend an act, entitled 'An act to incorporate the Cincinnati, Covington and Cumberland Gap Railroad Company,'" approved March 11, 1867, which said amendatory act was approved March 22, 1871.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section two of said original act be, and is hereby, so amended as to provide that the capital stock of said company may be fixed by the by-laws of the company, but it

shall not exceed the sum of eight millions of dollars, and shall be divided into shares of one hundred dollars each.

§ 2. That sections three and four of said original act be, and they are hereby, repealed; and in lieu thereof the following is hereby enacted and made a part of said charter, viz: Said Cincinnati, Covington and Cumberland Gap Railroad Company may, by its commissioners, officers, or agents canvass for and solicit and receive subscriptions to its capital stock, and such subscriptions may be made payable in materials for construction, labor, and real estate, as well as in money; and when ten thousand dollars shall be subscribed to the capital stock of said company, the stockholders, upon notice by publication or otherwise, may meet and elect directors for the government of the company; and thereafter the stockholders shall meet annually and elect a board of directors; but if for any reason the stockholders shall fail so to meet annually, the directors last elected shall hold over until their successors shall be elected, and shall, while so holding over, have and exercise all the powers and duties in said charter and in this amendment vested in said company.

§ 3. That section six of said original act be, and it is hereby, repealed.

§ 4. That section nine of said original act be, and it is hereby, repealed; and in lieu thereof the following is hereby enacted and made a part of said charter viz: Said Cincinnati, Covington and Cumberland Gap Railroad Company may, at any time, contract with any person or persons or company to construct the whole or any part of its proposed road, to be paid for in whole or in part in stock in said company, or in the bonds of said company, or in both stock and bonds; and the work of construction may be begun and prosecuted to completion at and from any point on the line of said proposed road as may be agreed upon between said company and the party contracting with it, anything in said original act, or the acts amendatory thereof, to the contrary notwithstanding.

§ 5. That all of section fifteen of said original act after the word "proxy," in the first line, be, and the same is hereby, repealed.

§ 6. That section thirty-two of said original act be, and it is hereby, repealed.



§ 7. That all the last part of section three in said amendatory act, mentioned in the caption hereto, beginning with the word "but," the last word in the ninth line of said third section, be, and it is hereby, repealed.

§ 8. That section four of said amendatory act be, and it hereby is, repealed.

§ 9. That the railroad to be constructed under this act, and the acts named in the caption hereto, and all the property and franchises of the Cincinnati, Covington and Cumberland Gap Railroad Company, be, and hereby are declared to be, exempt from any species of taxation for five years after said railroad shall be so far completed as to make a connection with some railroad in the interior of the State; but this exemption shall not extend beyond eight years from the approval of this charter.

§ 10. All acts or parts of acts of the original or amendatory acts mentioned herein, that authorize a subscription to the capital stock of this company upon a vote of counties, cities, or towns, be, and the same are hereby, repealed.

§ 11. The General Assembly reserves the right to regulate the rates of freight and travel upon this road, or of any road or roads with which it may be consolidated by general or special law, and to repeal, alter, or amend the charter of this company.

§ 12 This act shall take effect and be in force from and after its passage.

Approved February 23, 1882.

#### CHAPTER 261.

AN ACT, entitled "An act to incorporate the Cincinnati, Green River and Nashville Railroad."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Eugene Zimmerman, A. Evans, James McWhorter, G. Brashears, and C. W. West, their associates and successors, be, and are hereby, created a body-corporate and politic, under the name and style of the Cincinnati, Green River and Nashville Railroad Company, with perpetual succession, and shall have power to contract and be contracted with, sue and be sued, have and use a common seal, and the

same to alter or renew at pleasure, and to have and exercise all the powers common to such corporations; they shall have power to construct, maintain, and operate a railway, with single or double track, commencing at a point on the Cincinnati Southern Railroad at or near King's Mountain tunnel; thence by the most practicable route through any of the following counties, viz: Lincoln, Casey, Adair, Metcalfe, Monroe, Barren, and Allen, to the city of Glasgow, in Barren county; Scottville, in Allen county, or to any point on the Tennessee line in Allen, Monroe, or Cumberland counties.

§ 2. The affairs of said company shall be managed and controlled by a board of five directors, to be elected by the stockholders in such time and manner as may be prescribed by the by-laws of said company.

§ 3. The capital stock of said company may be fixed by the board of directors of said company, but shall not exceed in amount a sum necessary to build and equip the railroad contemplated by this act. It shall be divided into shares of one hundred dollars each, and shall be held to be personal estate.

§ 4. That where any lands or rights of way, stone, earth, gravel, or timber may be required by the said company for the uses and purposes of constructing their road, and for want of agreement as to the value thereof, or any other cause, the same cannot be purchased from the owner or owners thereof, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the circuit or county court of the county where some part of the land or right of way is situated, or the material is found; and the said commissioners, before they act, shall severally take an oath faithfully and impartially to discharge the duty assigned them in making the said valuation. The commissioners shall fix the value of the land which the owners must be paid; and the commissioners shall take into consideration the loss or damage which may occur to the owner or owners of the land in consequence of the land or right of way being taken, and also the benefit and advantage to the owner from the erection or establishment of the railroad, and the excess of loss and damage over and above the advantages, if any, shall also be paid to the owners of the land. The proceedings of said commissioners, accompanied with a full description of the land or right of way or material, shall be returned under the hands of a majority of said commissioners to the

court appointing them, and the clerk of said court shall issue to the owners of the land notice of the filing thereof; and in case of infants, the court shall appoint guardians *ad litem* to appear and defend for such infants; and said owners, if served with notice in the county, shall have ten days, or if elsewhere in the State, twenty days, or if non-residents, sixty days, after the making of a warning order and appointment of attorney, to appear in court and demand an appeal from said valuation; and from the valuation so made either party to the proceedings may appeal to the next session of the court appointing commissioners, beginning after service of notice as aforesaid, of which appeal reasonable notice must be given to the opposite party. Upon such appeal being taken, the court shall order a new valuation to be made by a jury, who shall be charged therewith in the same term, or as soon as practicable, and their verdict shall be final and conclusive, unless a new trial shall be granted, or an appeal is taken to the Court of Appeals, and the lands, right of way, or material shall vest in the said company so soon as the valuation may be paid, or when tendered and refused, the company may proceed with their work. When there may be an appeal as aforesaid from the valuation of the commissioners of either of the parties, the same shall not prevent the works intending to be constructed from proceeding. But when the appeal is by the company, they shall be at liberty to proceed with their works only on condition of giving to the opposite party a bond, with good security, to be approved by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, to pay said valuation in case it is affirmed, and in case it be reversed, for the payment of the valuation thereafter to be made by the jury and confirmed by the court: *Provided*, That when the land or materials cannot be had by gift or purchase, the operation of the works are not to be hindered or delayed during the pending of any proceeding to assess its value as aforesaid: *Provided*, That an appeal may be prosecuted to the Court of Appeals as allowed in civil cases.

§ 5. The said company is hereby given power and authority to borrow money and create indebtedness, and to secure the same, is authorized and empowered to issue the bonds of the company, bearing a rate of interest not exceeding eight per centum per annum, payable at such times and places as

they may deem expedient; and may execute mortgages or deeds of trust upon any or all of the property, rights, and franchises of the company.

§ 6. Whenever it shall be necessary for the construction of the said railroad to intersect or cross any stream of water or water-course, or any road or highway lying in or across the route of said road, it shall be lawful for the company to construct the railway across or upon the stream or road; but the corporation shall restore the stream or water-course or road or highway thus intersected to its former state, or in a sufficient manner not to impair its usefulness; and if said company, after having selected a route for said railway, find any obstacle to continuing said location, either by the difficulty of construction or procuring right of way at a reasonable cost, or whenever a better and cheaper route can be had, it shall have authority to vary the route, and change the location.

§ 7. The said company shall have power to extend its main line to the Ohio river and to the Tennessee line, and to locate and construct branch roads from the main route to any other towns or places in the several counties through or near which said road may pass.

§ 8. The said company may construct telegraph lines along the main road, or any branch, and keep batteries at such points or places as they may deem proper, and make such connections with other lines as may be desired.

§ 9. That the said company shall be, and is hereby, authorized and empowered, by the vote of the holders of a majority of the capital stock thereof, at any regular or called meeting of the stockholders of said company, to purchase or lease any railroad or railroads connecting with it, or that may be made connecting roads, or to consolidate the said company with any company controlling or owning such roads, or to subscribe to or for the capital stock in whole or in part of such roads. In the event of the purchase of, or a subscription to, or for stock in any such railroad or railroads as herein authorized, the said Cincinnati, Green River and Nashville Railroad Company shall be, and is hereby, authorized to pay for the same in money, stock, or bonds; and in order to make provision therefor, the said company shall be, and is hereby, authorized and empowered, with the consent of the holders of a majority of the capital stock thereof, to increase its capital

stock, or to issue bonds in amount sufficient to pay for the same, payable at any period, not exceeding thirty years after the date thereof. Said bonds may be made payable in or out of Kentucky, and shall bear an annual interest not exceeding eight per cent. per annum, payable semi-annually; and may be sold for less than par, if deemed advisable by the company. To secure the prompt payment of said bonds, the company is hereby authorized and empowered to give and execute a mortgage lien upon the property, franchises, rights, and credits of said corporation, and pledge the same as a security for said loan or bonds.

§ 10. The Legislature reserves the right to regulate the rates of freights and passage over the said road hereby incorporated, or any road that it may purchase, lease, operate, or acquire; and to amend or repeal this charter, or the charter of any road bought, leased, operated, or acquired by it.

§ 11. The said road shall not be liable to taxation for State, county, or municipal purposes until five years after twenty miles of the same shall be completed: *Provided*, That this exemption shall in no event extend beyond eight years from the passage of this act.

§ 12. This act shall be in force from its passage.

Approved February 23, 1882.

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#### CHAPTER 264.

AN ACT to amend the charter of the Chattaroi Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Chattaroi Railway Company be, and it is hereby, authorized to issue either income bonds or preferred stock, or both, to an amount equal to the first mortgage bonds of said company authorized by the charter.

§ 2. This act shall take effect from its passage.

Approved February 23, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 265.

AN ACT for the benefit of P. Smith, late sheriff of Madison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That P. Smith, late sheriff of Madison county, have the further time of three years from the passage of this act to collect any uncollected fee-bills and any uncollected revenue tax, county levy, or school tax due him, and which he has in anywise accounted for and paid, and said Smith or any one of his late deputies, or any constable of Madison county, shall have the same power for the said time of two years from the passage of this act to distrain, levy, and sell in the collections of any of the said fee-bills and taxes due him and remaining in his hands uncollected, that sheriffs now have for the collection of fee-bills and taxes. But said Smith, and his sureties on his official bond, shall be responsible to any one injured by any illegal seizure or proceedings under the privilege of this act, and the said P. Smith and his sureties shall be subject to all penalties now in force by law for issuing or collecting illegal fee-bills.

§ 2. The provisions of this act shall not extend further back than seven years from passage of this act.

§ 3 This act to take effect from and after its passage.

Approved February 23, 1882.

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CHAPTER 266.

AN ACT to amend an act relating to the Licking Valley Railroad Company, approved April 1st, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the title of said act and incorporation, and the name of said company, be, and the same are hereby, changed to "the Cincinnati and Southeastern Railway Company."

§ 2. All acts heretofore done, and all liabilities incurred, and all obligations assumed by the "Licking Valley Railroad Company," acting under the name of the Cincinnati and Southeastern Railway Company, are hereby ratified, confirmed, and legalized.

§ 3. This act shall take effect from and after its passage.

Approved February 23, 1883.

## CHAPTER 267.

AN ACT to incorporate the "Rockcastle Mining and Lumber Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Nathaniel L. Limpkins, jr., Richard M. Broas, Henry E. Jacob, Joseph E. Gay, and John F. Hager, and their associates, are hereby created a body-politic and corporate, under the name and style of the "Rockcastle Mining and Lumber Company," and as such body-corporate shall have, among other powers, the following:

1. Perpetual succession.
2. To sue and be sued by the corporate name.
3. To have a common seal, and alter the same at pleasure.
4. To render the shares of stockholders transferable, and prescribe the mode of such transfer.
5. To establish by-laws, and make all rules and regulations deemed expedient for the management of its affairs, not inconsistent with the Constitution or laws of this State or of the United States.

§ 2. The capital stock of said corporation shall be one million dollars, but may be increased by the board of directors to five millions of dollars, divided into shares of one hundred dollars each.

§ 3. The corporators named in the first section of this act, or any three of them, are hereby appointed commissioners to receive subscriptions of stock in said corporation, and they may open books therefor in the city of Ashland, Kentucky, and at such other points in and out of the State, and keep them open for such time as they may deem expedient. Lands in this State may be accepted in place of cash as subscriptions to the capital stock of this corporation.

§ 4. The business affairs of said corporation shall be managed by a board of not less than five nor more than thirteen directors, to be chosen by the stockholders, and the directors from their number shall elect a president, and may appoint such officers and agents as are deemed necessary by them in the management of the corporate affairs. The first board of directors shall be the corporators named in the first section of this act, and they shall continue in office until their successors are elected by a majority in interest of the stockholders.

§ 5. The said corporation shall have authority to purchase and lease mineral and timber lands and rights, and to sell,

rent, or operate the same; to mine coal and other minerals; to manufacture lumber and fabricate wooden and metallic wares; to purchase, erect, equip, or operate mills, machine shops, founderies, and furnaces; to transport and dispose of its products; to construct, equip, and operate telegraph and telephone lines; to purchase and build roads, railroads, tramways, inclines, and wharf-landings, and to equip, maintain, and operate same where essential or advantageous for the transaction of its business; to build bridges, constructed so as not to prevent navigation, and to maintain and use same; to purchase or consolidate with connecting railroads now built or projected, or which may hereafter be constructed; to purchase, lease, or construct buildings and boats, and to sell, rent, equip, maintain, or use same; to transport freight and passengers upon its own roads, railroads, and boats, and to charge and collect payment for such services at rates not exceeding tariff which may be prescribed by general laws of this State: *Provided*, That none of the powers conferred by this section convey any privilege to construct roads or railroads, excepting within the valley of the Big Sandy river and adjacent thereto.

§ 6. Said corporation shall have power to borrow money at an interest not exceeding six per centum per annum, and to pledge and mortgage its property, or any part thereof, to secure payment of money so borrowed, and may issue bonds, payable at such time and place and in such manner as the board of directors may order: *Provided*, That bonds so issued shall not exceed in amount the capital stock of the corporation.

§ 7. Whenever it shall be necessary for said corporation to have, use, or occupy any land, material, or other property in the construction or location of roads or railroads, or repairing same, or the construction or repair of works or buildings necessary for said corporation, it shall be lawful for it, by agents, engineers, and surveyors, to enter upon and take possession thereof after the donation, purchase, or due condemnation as provided in this section; but all lands, material, or other property thus taken by the said corporation, and not donated to it, shall be purchased of the owners thereof at a price to be mutually agreed upon, and in case of any disagreement with the owner as to the price of any land, material, or other property so required, or if owner is under any



disability in law, or from any cause whatever, to contract, or absent from the county, in which the property may lie, then the said corporation may have the same condemned to its use in the manner required by the tenth section of an act, entitled "An act to incorporate the Chattaroi Railway Company," approved 11th March, 1873, and for that purpose all the powers, exemptions, rights, privileges, duties, and restrictions of said section of the act aforesaid conferred and imposed upon the said Chattaroi Railway Company, its officers, agents, and servants, are hereby extended to, conferred upon, and made a part of the charter of this corporation.

§ 8. Shares of stock in said corporation shall be held to be personal property, and pass as such; and the private property of the stockholders shall be exempt from the corporate debts.

§ 9. This act shall be in force from its passage.

Approved February 24, 1882.

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#### CHAPTER 268.

AN ACT to Incorporate the Cumberland Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. W. Sawyers, N. A. Chamberland, John A. Black, W. B. Anderson, Green Elliott, and Thomas J. Wyatt, and their successors, associates, and assigns, be, and they are hereby, created a body-politic and corporate, by the name and style of the Cumberland Railway Company; and by that name shall have perpetual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, in any and all courts and tribunals as a natural person. Said company may have and use a common seal, and may alter the same.

§ 2. Said Cumberland Railway Company is hereby vested with the power and authority to construct, own, and operate a railway or railroad from any desired point on or near the Southeastern boundary line of the State of Kentucky, in the county of Bell, to any point on the line of the Knoxville Branch of the Louisville and Nashville Railroad, or the Kentucky Central Railroad, or the Cincinnati Southern Railroad, and to connect with either or all of said roads, and to build such extensions and branches as the said company may deem

necessary for the successful prosecution of its business, and the development of the mineral resources of the southeastern portion of the State of Kentucky; and said company may establish such gauge or gauges, and construct its said railway and branches with such gradients and curvatures as it may deem best calculated to subserve and promote the objects and purposes of this charter.

§ 3. Until the election of a board of directors as hereinafter provided for, the incorporators herein named shall constitute the board of directors of said company, and shall have and exercise all the powers herein conferred upon the Cumberland Railway Company, and shall elect one of their number president, and shall also elect a secretary and treasurer.

§ 4. The amount of the capital stock of said company may be fixed by by-law, but shall not exceed \$35,000 per mile of road; and the capital stock shall be divided into shares of \$100 each, and shall be personal property.

§ 5. The said company may solicit and receive subscriptions to its capital stock, and may collect such subscriptions by suit when due. Inasmuch as said railway is to be constructed through a mountainous and undeveloped country, subscriptions to the capital stock of the company may be made payable in material, labor, and real estate, as well as in money; and to that end said company is hereby authorized to acquire, hold, use, and dispose of such real estate as they may acquire by subscription, donation, or condemnation as a natural person; but said company shall have no right to mine or manufacture.

§ 6. When ten thousand dollars of bona fide subscriptions to the capital stock of said company shall have been obtained, the stockholders shall be convened by notice published in one or more newspapers in the State of Kentucky, or by actual notice given, at such time and place as the president of the company may designate; and they shall elect nine directors from among the stockholders, each share of stock being entitled to one vote. Said directors shall then, from their own body, elect a president and a vice president, and shall then elect and appoint such other officers and agents as may be necessary for the proper management of the business of the company; but such other officers and agents need not be directors. The directors shall thereafter be elected annually by the stockholders; but if, for any reason, an annual

election be not held, the directors last elected shall hold over until their successors are elected. The management and control of the affairs of the company are hereby vested in the board of directors, and such officers and agents as the board may elect and appoint; and the board of directors shall have power to fill all vacancies in the board until the annual election is held.

§ 7. Should it become necessary, in the judgment of the company, to borrow money to complete the construction of its said railway and extensions or branches, or to equip the same, or for any other purpose, it may do so, giving its bonds with such time to run as may be agreed upon, and bearing a rate of interest not greater than six per centum per annum, and to secure such bonds may execute and deliver a mortgage or mortgages upon any or all of its rights, franchises, or properties.

§ 8. Said railway and all the franchises, property, earnings, and stock of said company shall be exempt from taxation for five years after said railway shall be completed from the initial point, at or near the State line, to a connection with either one of the railroads mentioned in the second section of this charter; and likewise such branches or extensions as said company may construct under this charter shall be exempt from taxation for five years after they shall be completed; but said exemptions shall not in any case extend beyond eight years from the approval of this charter.

§ 9. The board of directors may make and adopt such by-laws for the government of the company as they may deem advisable: *Provided*, They be not in conflict with the laws of this Commonwealth or of the United States; and such by-laws may be added unto, modified, or repealed by the board, in its discretion.

§ 10. Said Cumberland Railway Company is hereby vested with the power and authority (should it deem it necessary in order to more rapidly and fully develop the resources of the Commonwealth of Kentucky) to purchase or acquire by lease, or in any other lawful way, any and all of the rights, franchises, powers, privileges, and properties of any other railroad company, whether in or out of the Commonwealth of Kentucky, or to combine and consolidate its rights, franchises, and properties with those of any other railroad company or companies, whether in or out of the Commonwealth

of Kentucky, upon such terms and conditions as may be mutually satisfactory; and such consolidated company, by whatever name it may be called, shall have all the rights, powers, privileges, and franchises herein conferred upon the Cumberland Railway Company, and be subject to all the duties, liabilities, and responsibilities herein imposed upon it: *Provided*, That said company shall not purchase or lease, or in any other way acquire, any competing or parallel railroad, nor shall it combine or consolidate its rights or franchises with those of any other company owning or operating any competing or parallel railroad.

§ 11. Said Cumberland Railway Company is hereby vested with the right to fix and maintain such tariffs and rates for the transportation of freight and passengers, and for storage of goods, as it may deem proper and expedient: *Provided*, That the same be not inconsistent with or repugnant to any general law of this Commonwealth now in existence or that may hereafter be enacted.

§ 12. The said Cumberland Railway Company, by its officers or agents, may lawfully enter upon and pass over the lands of any person along or contiguous to its proposed line of railway or branches, for the purpose of examining, surveying, or locating its said railway and extensions or branches; and said company may proceed, at any time, to obtain rights of way for the construction of its said railway and extensions or branches along its line, either by gift or purchase, or as hereinafter provided, and no other company or person shall have the right to interfere with the line or lines which said company may locate or obtain the right of way for, provided work be begun within one year from the approval of this charter, and be prosecuted till the road is completed.

§ 13. In case the right of way for the construction of said railway and its extensions or branches, or the right to use materials of any kind in and for the construction of said railroad, &c., cannot be obtained by said company by negotiation, it shall be lawful for said company to acquire title to so much of the land of any land-holder in this State over or through which said railway may be located as may be necessary for its purposes, and the right to take and use such materials as may be necessary in and for the construction of said railway in the following manner—that is to say: Upon the application of said railway company to the county court through

which it is proposed to locate said railway, said court shall appoint three commissioners, residents and freeholders of said county, who shall be sworn faithfully to discharge their duties under this act, who shall examine the land to be taken and used by said company for the construction of their said railway belonging to the person or persons with whom said company may be unable to contract for the same, and also the materials of any kind sought to be taken and used by said company for the construction of said railway belonging to such person or persons as aforesaid; and shall assess and fix the compensation and damages to which the owner or owners of such lands or materials are or shall be entitled, and make out and return to the clerk of said county court, in writing, a particular description of such land or materials, with the compensation or damages they may assess and fix as aforesaid, giving also the name or names and residence or residences of the owner or owners, if known. Said report shall be docketed by the clerk, and notice by summons or publication, as now required by law in the institution of original suits, shall be given to the owner or owners, and the case shall stand for trial at the first term after due service of notice, either by summons or publication. In the case of persons laboring under disability, notice may be given the guardian, committee, or husband, as the case may be, and such service shall be sufficient. If exceptions are filed by either party to the report of the commissioners, a jury shall be empaneled to try the question of compensation or damages. In all cases the actual value of the land taken or to be taken shall be awarded the land-holder; but in determining the incidental damages to the adjoining or contiguous lands of the land-holder, the commissioners and jury may take into consideration any incidental benefits that may arise or accrue to the land-holder from the building of the railway, and such incidental benefits may be set off against such incidental damages. If no exceptions be filed, the report of the commissioners shall be confirmed.

§ 14. In order that the said company may not be delayed in the construction of its said railway and extensions or branches by reason of any litigation that may arise touching the question of compensation or damages to be adjudged for lands taken by said company, or to be taken, or for materials of any kind to be taken by said company for the construction

of said railway, the said company, its agents or contractors, are hereby authorized to proceed with the construction of its railway, and to use such materials as aforesaid pending any such litigation, upon giving bond with sufficient security to settle and pay the damages and costs that may be finally awarded against the company.

§ 15. The board of directors may, by the by-laws, direct and regulate the manner in which the certificates of stock shall become transferable.

§ 16. A majority of the board of directors shall constitute a quorum for the transaction of business.

§ 17. It shall be lawful for said company to acquire, by negotiation and conveyance to it for its road-bed, switches, and side-tracks, seventy-five feet on either side of the centre of its main track, but it shall not acquire by judicial procedure and condemnation for such purposes exceeding fifty feet on either side of the centre of its main track. For its turn-tables, depot grounds, and turn-outs it may acquire by negotiation and conveyance to it, such an amount of land as it may deem necessary; but it shall not acquire by judicial procedure and condemnation for such purposes, at any one place, a tract of land exceeding one thousand feet square.

§ 18. The location of the general and local offices of the company shall be determined by the board of directors.

§ 19. Until otherwise ordered by the directors in a by-law to that effect, every bona fide subscriber to the capital stock of said company shall be entitled to vote in the meetings of the stockholders, and shall be and be considered as a stockholder to the extent of the number of shares subscribed by him, whether the same be paid up or not.

§ 20. Copies from the minutes of proceedings by the board of directors, and of the by-laws adopted by them, when certified by the secretary, shall be received in all courts and elsewhere as evidence, to the same extent that the books and records of the company could be used.

§ 21. Said Cumberland Railway Company, by its board of directors, may contract with any person or persons or corporation to construct its said railway or extensions or branches thereof, or any part thereof, and pay for the same in whole or in part in the capital stock of said company, or in the bonds of said company, or in both, in such manner and upon such terms as may be agreed upon.

§ 22 The Legislature reserves the right to regulate, by general or special laws, applicable to railroads in this State, the tariffs and charges for the transportation of freights and passengers on said railway, and to amend and modify this charter upon giving notice to the said company.

§ 23. This act shall take effect and be in force from and after its passage.

Approved February 24, 1882.

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#### CHAPTER 269.

AN ACT to legalize certain orders of the Hopkins county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the order of the Hopkins county court (the judge alone sitting) levying a tax for the present year of one dollar and fifty cents on each one hundred dollars of taxable property in the Nebo district, in Hopkins county, to be paid by the tax-payers of said district, for the purpose of paying the interest and for the redemption of the bonds issued by the district in payment of stock subscribed in the Madisonville and Shawneetown Straight-line Railroad Company, is hereby legalized and made binding; and the sheriff of Hopkins county, or any collector authorized to collect said tax, shall have full power and authority to distrain and collect said tax as fully as if the said county court originally had jurisdiction to make said levy. When said taxes are collected, the same shall be paid to the treasurer of the sinking fund commissioners of the Nebo district.

§ 2. This act shall take effect from its passage.

Approved February 24, 1882.

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#### CHAPTER 270.

AN ACT to amend the charter of the Beaver Creek and Cumberland River Coal Company (organized under chapter 56 of the General Statutes).

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the articles of incorporation of the Beaver Creek and Cumberland River Coal Company heretofore organized

Style.

under the general laws of this Commonwealth be, and the same are hereby, amended as follows:

ARTICLE 1. Said corporation shall have the right of perpetual succession, with the common seal, and the right to alter and change same at pleasure; the right to sue and be sued in its corporate name, and in its corporate name to make contracts, acquire, sell, convey, and transfer property of all kinds, and in these respects to possess all the rights, powers, and privileges that natural persons enjoy under the laws of the land.

ART. 2. The private or individual property of the stockholders and members of the corporation shall be exempt from liability for the debts and liabilities of said corporation.

Principal office. ART. 3. The principal place of business and the principal office of said corporation shall be at its mines in Pulaski county, Kentucky, but same may be changed by order of board of directors; and said corporation may, by its board of directors, establish offices for the transaction of its business at such other places, either within or without the State of Kentucky, as may, by said board of directors from time to time, be deemed for the best interest of said company, and any business of said company may be transacted at such office or offices so established as at the principal office of said company.

Purposes. ART. 4. The business of said company shall be the dealing in mineral, coal, and timber land, the mining, transporting, and dealing in coal, iron, and other minerals; the smelting and reducing of iron and other ores; the working in coal, iron, and other metals, in petroleum and mineral oils, and dealing in the same; the sawing and manufacturing and eelling of timber; and, as incidental to these ends, to do any and everything expedient to the successful prosecution of the business for which said company is organized, including the erection of all needful or useful superstructures, building mills, roads, wharfs, piers, tram-ways, railroads, barges, steam-boats, and the operating and running of the same.

Capital stock. ART. 5. The authorized capital stock of said corporation shall be one million five hundred thousand dollars, divided into shares of one hundred dollars each; the same shall be deemed and held to be personal property, and shall be transferable only on the books of said company. Any stockholder wishing to retire from said company may do so by sale and



transfer of his stock as herein provided. No stockholder shall have the right to demand a division of the corporate property.

ART. 6. The affairs of the corporation shall be under the Directors. control of a board of seven directors, to be chosen from the stockholders, one of whom shall be elected president of said board by said board. The number of said directors may be decreased to five, or increased to nine, by a majority vote of the stockholders at any annual meeting of the stockholders. The first election of said board of directors, after the passage Election. of this amendment, shall be held on the fourth Tuesday of April, A. D. 1882. After the first election, the directors shall be elected annually, at such times as the by-laws of the company may fix. The directors so elected shall hold their office for one year, and until their successors are duly elected and qualified.

ART. 7. The said board of directors, or the majority thereof, constituting a quorum, shall have the power to make, alter, and change the by-laws for the government of the business of the said company. They shall have the power to fix and By-laws. determine the number of officers, agents, and employes of said company, to appoint and employ the same, to fix and pay the salaries and wages of the same, to make and prescribe all rules and regulations for the governing and transacting the business of said company. They shall make, and through their proper officer execute, all contracts in behalf of said company; and may take from any and all officers and agents bonds, with security, conditioned for the faithful performance and discharge of their respective duties, and for the accounting for all money or property of the company which may come into their hands.

ART. 8. Said company shall have the power, through its board of directors, to borrow money or create indebtedness to May borrow money. an amount not exceeding its authorized capital stock, for the purpose of carrying on its business, and to issue its bonds or execute its promissory notes or bills of exchange therefor, payable at such times and places as its board of directors may determine upon, and to mortgage the property of said corporation as security for the same.

ART. 9. Said company shall have the right to build, construct, and operate railroads leading from its mines to other May build railroads.

railroads and to streams of water, on which they may desire to ship coal, iron, or lumber; and for this purpose it may acquire, by gift, purchase, or condemnation, lands for said railroad, and the necessary side-tracks, turn-outs, depots, and stations for said railroad or for wharf purposes. It shall be lawful for said company to apply to any county court of any county in which or through which it may be proposed to build a railroad or establish wharves, for said court to appoint three disinterested commissioners to examine the lands proposed to be taken for railroads or wharves, and to take from the proprietors of the same such land as the engineer of the company may determine is required for said railroads or wharves: *Provided, however,* That the land to be taken for said railroad shall not exceed one hundred feet in width, unless a greater width of land is required for said purpose as hereinafter provided. The taking of said land shall include the right to take stone, timber, earth or gravel for the construction of said railroad. The said commissioners, or a majority of them, shall have the power and authority to take and certify, under their hands, acknowledgments of such grants in fee or right of way, and the separate acknowledgments of married women, that the clerks of the several county courts have; and on the presentations of said grants and acknowledgments to the clerk of the county court where the land lies, it shall be the duty of the clerk to record the same as other deeds, and they shall be effectual against all persons according to their tenor: *Provided,* That where the owners of said lands are idiots, infants, or lunatics, or are absent, or refuse to make the grants, they may, after swearing the witnesses, hear any proof that may be adduced, and, upon their own view, proceed to value any land required for wharves or railroads, turn-outs, depots, stations, or other appurtenances of said railroad; and also the earth, stone, gravel, or timber required for the construction of said railroad or wharf, and to report the value they have fixed thereon, together with the evidence adduced to the court appointing them, with a map or profile of the ground to be taken. Said report shall be filed with the clerk of said court, and a summons issued to the proprietors, to show cause why said report should not be confirmed; but if the proprietors shall be out of the county, the summons may be executed upon a known agent, if there be one in the county, and if there be no known agent in the

county, then the court may order the appearance of the party by a day named, and appoint the clerk of the court to give the proprietor notice by letter, and in case of there being infant, idiot, or lunatic proprietors, the court shall appoint a guardian *ad litem* for them, and cause such guardian to appear and act for them, and in case absent defendants do not appear, the court shall appoint an attorney of the court to act for them. It shall be lawful for the company or proprietor, or both, to traverse the report, and for the court to have the traverse tried in open court by a competent jury, on which trial the report and the evidence returned as aforesaid shall be heard, together with such other proof as either party may produce. A new trial to the finding of the jury may be granted as in other case. The report shall stand for hearing as to any proprietor when the process has been executed ten days, or upon or after the day fixed for the appearance of a proprietor. The court shall have jurisdiction to confirm the report, if no traverse is filed. And in case a traverse is filed to have the same tried by jury and give judgment upon the report or finding of the jury, and order the payment of the money and the execution of the grant in accordance with the report, and to have the grant executed by a commissioner appointed by the court, and to order the same to be recorded in the county clerk's office of the county. Either party may appeal from the judgment of the court, but no appeal shall delay or prevent the company's taking possession of said land, if it shall, in compliance with the order of the court, pay into court the appraised value of the land as made by the commissioners, or if the same has been traversed as determined by the finding of the jury.

ART. 10. That upon the affidavit of the engineer of said company made and filed before the county judge of the county in which the land for said railroad is to be taken, that at any point more than one hundred feet in width is necessary to properly construct and operate said railroad, said company may acquire the right to so much land as is shown by said affidavit to be necessary to that purpose, and in the manner provided in the preceding section.

ART. 11. The said company may, also, for the purpose of constructing said railroads and wharves, occupy and use any turnpikes, plank, or county roads, street or other public way or ground, or any part thereof, upon such terms and condi-

tions as may be agreed upon between said company and the municipal or other corporations, persons, or public authorities owning or having charge thereof.

ART. 12. The railroads and wharves constructed by said company shall be exempt from all taxation for five years, and all the other property of said company shall be assessed for taxation for State and county purposes at fifteen thousand dollars for the five years next succeeding the passage of this act.

ART. 13. The rights and privileges herein granted, shall be and remain in full force and effect for a period of ninety-nine years from the passage of this act.

ART. 14. The organization of said corporation under its articles of incorporation, now of record in the clerk's office of the Pulaski county court, shall be held, for all purposes, legal and sufficient, without further publication or formality.

ART. 15. This act shall take effect from and after its passage.

Approved February 24, 1882.

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## CHAPTER 271.

AN ACT to incorporate the town of Clayville, in Webster county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Clayville, in the county of Webster, be, and the same is hereby, incorporated, and the town limits are to extend one half mile each way from the central crossing in town, including Joel Blackwell in said limits.

§ 2. That the fiscal, prudential, municipal concerns of said town, with the government and control thereof, shall be vested in five trustees, three of whom shall constitute a quorum to transact business; and all of whom shall have resided in said town at least one year next preceding their election.

§ 3. That said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the Town of Clayville; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and of

defending and being defended, in all courts and places; and may use a common or private seal; and do all other acts, matters, and things which a body-politic and corporate, having perpetual succession, can lawfully and rightfully do and perform.

§ 4. That said trustees shall be elected annually on the first Saturday in January by the free male inhabitants of said town, over the age of twenty-one years. The said trustees shall hold their offices for one year, and until their successors shall be elected and qualified. They shall take an oath before some justice of the peace that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them as trustees during their continuance in office; and shall have power to fill any vacancy that may occur in their own body; it shall be their duty to appoint one of their own body chairman, who shall preside at all their meetings; and in case of the absence of the chairman, they shall appoint a chairman *pro tempore*, and in case of his death, removal from the town, or vacation of his seat as trustee, may appoint another in his stead. The election for trustees shall be conducted by one of the acting trustees, and shall be held at such place as may be designated by the board, and the return of the names of the persons elected shall be made to the clerk of the board, and shall be by him recorded in their books.

§ 5. That the legal title to all the streets and alleys in said town, and to all real, personal, and mixed estate, which does or may hereafter belong to said town, shall be, and is hereby, vested in said board of trustees and their successors in office, so far as may be necessary, to enable them to improve and keep the same open and in good repair; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to the same; and may, in the same manner, maintain and carry into judgment any other appropriate action or actions for the recovery of their property, or damage for the detention, taking, injury, or destruction of the same.

§ 6. That the trustees shall have power and authority to clear the streets and sidewalks, alleys, and passways in said town of all obstructions, and keep open and free from encumbrance all the public ground and improvements. They shall

have full power to remove and cause to be removed and abated any nuisance in said town, and to regulate the storage or removal of any combustible or unwholesome material that may injure the health or tend to diminish the comfort of the citizens or the security of their property.

§ 7. That the board of trustees shall have power to appoint annually a clerk, assessor, and marshal and such other officers as may be necessary to carry into effect the laws and by-laws, rules and regulations, made for the general welfare of the citizens of said town, and may prescribe the respective duties and affix and pay the respective salaries of said officers. They shall require bond with sufficient security in adequate penalties for the faithful discharge of the duties and the prompt payment of all sums of money that shall come to their hands, and they and their securities shall be liable to a judgment in the Webster circuit court in favor of the board of trustees or any person entitled to money collected by them in like manner and subject to such penalties that sheriffs and their securities are. They shall have full power at any time to remove any of said officers or their deputies and appoint others in their stead.

§ 8. That the assessor shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof. It shall be the duty of the assessor to call upon all the taxable persons in said town and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party to be administered by the assessor. The assessor's list shall be taken so as to include all the real estate in said town, and all the free males over the age of twenty-one years, with all other species of personal property, money, &c. If any person or persons shall refuse to give in a list of his or her property, or be absent, the assessor shall make out a list from the best information he can get. He shall, previous to the first day of March in each year, complete and return the list so taken to the board of trustees. Upon the return of the list, the trustees may review, regulate, and correct the same; that the trustees may annually lay and levy the taxes for the current year, and direct the time within which the same shall be paid at the first meeting of the board after the assessor returns his list.

§ 9. That the marshal shall be appointed annually by the trustees, and shall take an oath faithfully to discharge his duties, and shall give bond with approved security, conditioned faithfully to discharge the duties of his office, and any other condition that the board may think proper to require; he shall have all the power and authority within the county of Webster to collect the taxes, dues, and demands of said town in the same manner that sheriffs have to collect the county and State revenue, and also to execute all warrants and processes from the police judge, and levy and perfect executions upon all judgments of the police judge. He shall serve and execute all orders and notices made or issued by the board, and make due return on the same. He shall be entitled to the same per cent. for collecting the town tax, penalties and forfeitures, as sheriffs and constables are in like cases. He shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for riot, affray, or breach of the peace, and for all warrants where fines are to be assessed by a jury before the police judge, and to a fee of fifty cents for all other warrants for penalties, forfeitures, and debts tried by the police judge without a jury. He shall be entitled to a fee of twenty-five cents for summoning a witness, and to the same fees from the State, to be paid out of the county levy, for serving felony warrants and warrants for misdemeanors as constables are for like services. The marshal is authorized to take replevin bonds on all executions in which a replevy is allowed by law, and make the same payable in three months to the plaintiffs in the execution.

§ 10. That the police judge shall be elected by the qualified voters at the same time and place, and under the same rules and regulations, that the trustees are required to be elected under the provisions of this act, and every two years thereafter, who shall be commissioned by the Governor, shall have jurisdiction within the limits of said town of all misdemeanors, and of all causes, civil, criminal, or penal, in which county judges have jurisdiction now given by law, and shall proceed in the same manner that county judges are required to proceed in such cases. He shall have the full power and authority to require bail, and receive the acknowledgment and execution, recognizances of bail in all cases originating before him. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, breaches

of the peace, unlawful assemblies; all cases of indecent or immoral conduct calculated to disturb the peace or dignity of the town; over all case of drunkenness, profane swearing, running horses, firing guns, pistols, making reports by burning powder or matches or crackers, blowing horns, crying aloud by day or night, and all other riotous conduct whatever within said town, all of which are hereby declared to be misdemeanors. He shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees concurrent with the jurisdiction of the county judge for the enforcement of powers granted the said town trustees by law. He shall have power to order the marshal to summon a jury in any case cognizable before him when a jury would be required before the circuit court, a justice of the peace, and in all cases when the amount of the fine is not or may not be fixed by law, the same be ascertained by the verdict of a jury. He shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend may award compulsory process to compel their attendance. He shall have power, without the intervention of a jury, to fine and imprison for contempts, provided the fine does not exceed ten dollars, nor the imprisonment twelve hours. It shall be lawful for him to take depositions and certify to the same when they are to be read in evidence in any cause pending in any court in this Commonwealth. He shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice and have the same effect as records of county judges.

§ 11. The police judge shall have the right to try all cases upon promises and contracts, and all other cases in this voting precinct of which the town is a part thereof, and to have concurrent jurisdiction of all ordinary equity cases as the county judges of this State have: *Provided*, He shall not hold more than four quarterly courts in each year. That the police judge shall issue his processes in the name of the Commonwealth, as other warrants and processes, and make them returnable before him as police judge. The same shall be directed to the marshal or any constable or sheriff of Webster county, and shall be executed and returned by the marshal, constable, or sheriff under the same penalties as other processes from the county judges: *Provided*, That when any prosecution is instituted and carried on at the instance



of the trustees, the warrant or process shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the trustees shall be liable for such costs as may be adjudged in favor of the defendants. The police judge shall be entitled to a fee of one dollar for a peace warrant, and for warrants for a riot, rout, or breach of the peace, or unlawful assembly, or affray, or for any misdemeanor, or for a breach of any of the laws or ordinances, in same manner as justices of the peace or county judges are entitled to for like services.

§ 12. That the trustees shall have power to assess and collect annually a tax not to exceed twenty-five cents on the hundred dollars' worth of property, and a poll-tax not to exceed one dollar and a half on each male person in said town over twenty-one years old. They may tax all theatrical performances, shows, and exhibitions of all kinds, in any sum not exceeding ten dollars for each day they may show or exhibit. They shall have a lien on all real and personal estate in said town until all the taxes due by the owners thereof are paid; and all such property shall be liable to be sold (or so much thereof as will pay such taxes and costs of sale). They shall have power to levy and collect a tax on each grocery not less than ten nor more than one hundred dollars per year, and to levy and collect a tax on each store not exceeding twenty-five cents on the one hundred dollars' worth, according to valuation. They shall have the right to tax, and the exclusive right to license, all taverns, groceries, victualers, confectioners, retailers, and houses of public resort (excepting gambling-houses or houses of ill-fame), within said town, and fix the tax therefor, in a sum not exceeding one hundred dollars per annum; and to discontinue the said license, or any one thereof, at pleasure: *Provided*, That, before the trustees shall grant a license to any person to sell spirituous, vinous, or malt liquors, by the drink or otherwise, such person or persons shall present to said trustees the receipt of the county court clerk of said county, acknowledging the receipt of the amount now required by law to be paid by persons engaged in selling spirituous, vinous, or malt liquors, by the drink or otherwise; also the receipt of said clerk showing that the tax due the State as required by the existing laws has been paid. Any law giving the county court of Webster

the power to grant tavern license within the limits of said town is hereby repealed: *Provided, however,* That the provisions of this act shall in nowise change the mode of listing merchandise for taxation in said town for the State revenue, or the collection of the tax thereon. They may levy and collect a tax on goods sold by transient merchants and peddlers, sold by public outcry, the tax not exceed five per cent. on the gross amount of sales for all goods, wares, and merchandise sold in the limits of said town, except property sold by citizens of their own, or by order of court, or by an executor, administrator, or guardian; and they shall have a lien on the articles sold or to be sold for such tax until the same is paid, or the person selling the same shall take out license for such purpose.

§ 13. That the said trustees shall exercise and possess all the powers and privileges which, by the general laws of the land in relation to towns, are granted to trustees; and shall have full power and authority to make all the necessary by-laws and regulations for the purpose of carrying into effect the powers granted by this act; and also such as may be necessary for the comfort, cleanliness, good order, and security of said town, and the citizens thereof; and may enforce the same by adequate penalties, to be recovered in their name before the police judge or any place of justice: *Provided,* The same are not contrary to the Constitution and laws of the land. The present trustees and officers of the town shall continue in office until other trustees are elected and qualified under this act. No suit shall be instituted against the said trustees, unless the same is instituted in the county of Webster, and service of process on the chairman shall be sufficient.

§ 14. That the board of trustees shall appoint a clerk from among their number, whose duty it shall be to keep a correct and impartial account of all the proceedings and business of the board. That all moneys due said town shall be paid over to the chairman of the board of trustees, who shall give bond, with approved security, conditioned for the faithful disbursement of the same; and said chairman shall pay no money to any party or parties, unless said party or parties have an order from the board of trustees signed by the chairman and clerk of said board. The said chairman shall make settlement quarterly with the police judge, which set-

tlement shall show how much money said chairman has received, and for what, and to whom said money has been paid, and said police judge shall receive nothing in lieu of money, except orders from said board of trustees, signed as above, and properly receipted; said settlement shall be entered at large on the order-book of said police judge.

§ 15. That Charles Pride is hereby appointed police judge, and W. J. Moore, John Watson, sr., Richard Price, B. Watson, and Laban Lisman, trustees, who shall hold their office until the police judge and trustees are duly elected and qualified under the provisions of this act.

§ 16. This act is to be in full force and effect from and after its passage.

Approved February 24, 1882.

## CHAPTER 272.

AN ACT to authorize the Chicago, St. Louis and New Orleans Railroad Company to lease its railroad, or to consolidate with Illinois Central Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Chicago, St. Louis and New Orleans Railroad Company is hereby authorized and empowered to lease its railroad and its franchises and other property to the Illinois Central Railroad Company, for any term of years or in perpetuity, or to consolidate with said Illinois Central Railroad Company; and that said Illinois Central Railroad Company is hereby authorized and empowered to accept said lease or to make such consolidation upon such terms and stipulations as may be agreed upon by the two aforesaid companies: *Provided*, That said Chicago, St. Louis and New Orleans Railroad Company in the State of Kentucky shall be subject to all laws of the State of Kentucky, in the same manner and to the same extent, after such leasing or consolidation, as it would have been if no lease or consolidation had been made.

§ 2. The Legislature reserves the right to alter or amend this act at pleasure, or to repeal the same. The Legislature also reserves the right to regulate the rates of freight and fare upon the said Chicago, St. Louis and New Orleans Railroad, and also to regulate the freight and passage in the State of Kentucky of any railroad company to which said Chicago,

St. Louis and New Orleans Railroad may be leased, sold, or operated by, or which it may lease, buy, or operate. And the said Chicago, St. Louis and New Orleans Railroad Company is hereby prohibited from leasing or selling its railroad to, or consolidating with, any competing railroad company.

§ 3. This act shall take effect from and after its passage.

Approved February 24, 1882:

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### CHAPTER 273.

AN ACT to amend an act, entitled "An act to incorporate the Elizabethtown, Lexington and Big Sandy Railroad Company, and the acts amendatory thereof."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Elizabethtown, Lexington and Big Sandy Railroad Company may construct, operate, and maintain a railway or railways from any point or points on the line of its railway to the cities of Newport, Covington, or either of them, and from any point or points on its said line to any point or points on the line of the Kentucky Central Railroad, the line of the Cincinnati Southern Railroad, the line of the Louisville, Cincinnati and Lexington Railroad, the line of the Louisville and Nashville Railroad, the line of the Chesapeake, Ohio and Southwestern Railroad, and the line of any railroad now constructed or hereafter constructed in Kentucky; and may connect with, enter into running arrangements with, consolidate with, lease, or buy any road with which it can connect, on such terms as may be agreed on by said company and the owner or owners of such road or roads; and it may build, operate, and maintain branches from its road and branches from such branches as it may from time to time determine, and may build such bridges or operate such ferries over such rivers as said lines or branches may cross, or as may be necessary and proper for the construction, operation, or traffic thereof: *Provided*, That any bridges built under this act shall be so constructed as not to obstruct navigation.

§ 2. That the said Elizabethtown, Lexington and Big Sandy Railroad Company, by its president and board of directors, may issue bonds for the construction, operation, or

maintenance of any line or branch it may determine to build, and may secure such bonds so issued by a mortgage or mortgages on the line or branch designated in the respective mortgages, its property and franchises, and it may, in like manner, issue bonds secured by a mortgage or mortgages on any railroad purchased or leased by said company or consolidated with it, its property and franchises, or on the profits, income, or earnings of said lines or branches so built, purchased, leased, or consolidated. The number, value, place of payment, rate of interest not exceeding six per cent. per annum, time of maturity, and form of the bonds issued by said company, shall be determined by its president and board of directors, from time to time, and the mortgage or mortgages to secure the bonds issued by said company shall designate the bonds to be secured by said mortgage or mortgages, and the line, branch, property, and franchise conveyed in mortgage to secure the bonds named therein respectively, and it may increase its capital stock for each line or branch constructed or acquired by it proportionately as the length of such line or branch is to the length of the main line of said company.

§ 3. The Elizabethtown, Lexington and Big Sandy Railroad having been divided by the act approved February 3d, 1871, into the Eastern and Western Division, and no part of the Western Division having been constructed nor encumbered by any mortgage, the president and directors, to secure the construction of said Western Division, may issue bonds, secured by a mortgage or mortgages on said Western Division, its property and franchises, in such amounts and at such times as the said board of directors may determine to be necessary.

§ 4. The powers heretofore granted to said company may be exercised by it in the construction, maintenance, and operation of any lines or branches constructed, acquired, operated, or maintained under the authority herein conferred: *Provided, however,* That nothing in this act shall be so construed as to repeal an act, entitled "An act for the benefit of Woodford county," approved the 25th day of March, 1872; but said act shall remain in full force and effect: *Provided further,* That any right heretofore granted said company to cause a vote to be taken in any county, town, or precinct on the question of subscribing stock to said

company, or any authority given to any county, town, or district to subscribe stock to said company, are hereby repealed. But the right to repeal, alter, or amend all charters or acts amendatory thereof, the franchises of which have been or may hereafter be acquired by the said Elizabethtown, Lexington and Big Sandy Railroad Company, whether the said charters or amendatory acts were passed before or after the 14th day of February, 1856, and the right to regulate rates of freight and passage over the road now constructed, and on all of said lines and branches, are hereby reserved to the General Assembly.

§ 5. No action, whether by mortgage, sale, or otherwise, shall ever be taken by said company or its officers or employes that will have the effect to deprive the counties of Fayette, Clark, and Montgomery, or the city of Lexington, or the persons holding the certificates of stock or tax receipts evidencing the subscriptions of said counties and city to the capital stock of said company of their respective interests in said stock or any part thereof, and any action taken by said company, its officers or employes, contrary to the foregoing provisions, shall be, and are hereby declared, null and void.

§ 6. When satisfactory evidence is produced that any tax receipt has been lost by the person owning same, the county court of either of said counties, and the city council of Lexington shall have power to certify the same, and grant a duplicate, which shall have the same force as the original receipt, but there shall only be one certificate of stock issued for the same tax receipt.

§ 7. All acts or parts of acts inconsistent herewith are repealed, and this act shall take effect from its passage.

Approved February 25, 1882.

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#### CHAPTER 274.

AN ACT to grant certain rights and privileges to the Columbus and Maysville Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Columbus and Maysville Railroad Company, a corporation organized and incorporated under the laws of the State of Ohio, for the purpose of building, owing, and

operating a railroad from or near the city of Columbus, Ohio, to the town of Aberdeen, at a point on the Ohio river opposite the city of Maysville, and looking to the extension of its line into the State of Kentucky and said city of Maysville, be, and is hereby, granted all such corporate rights, powers, and privileges, not contrary to the Constitution and laws of this State, as shall authorize and enable said Columbus and Maysville Railroad Company to build said railroad from its northern terminus to and within the city of Maysville, and to build, own, and operate their said railroad in this State.

§ 2. For the purposes and objects stated in the first section of this act, the said Columbus and Maysville Railroad Company may receive subscriptions to its capital stock from the city of Maysville, and all other persons, corporate and natural, who may subscribe therefor, payable on such conditions as may be agreed upon between the parties, in the aggregate amounting to not more than one hundred and fifty thousand dollars, the same being in shares of fifty dollars each, without further legislative authority; and touching such subscriptions, or any contract growing out of them, and as to any contract to be performed within the State of Kentucky, or any property which may be acquired or being at any time in this State, said railroad company may sue and be sued in the courts of this Commonwealth, contract or be contracted with, and enjoy all the ordinary corporate rights and privileges of chartered corporations as granted by this Legislature: *Provided, however,* That nothing in this act shall be construed to authorize any county, city, town, or district in this State, except the city of Maysville, to make subscriptions or donations to said company.

Subscriptions to capital stock.

§ 3. That said railroad company shall have the right to construct inclines and transfer boats for the purpose of transporting its cars, passengers, and freights across the Ohio river; and also the right to purchase, lease, or receive donations of lands, depot grounds, or other property or money, that may be useful in the prosecution of its business; to procure by contract or donation rights of way for one or more tracks of railroad on the Ohio river beach, or within the city of Maysville, or both, and may locate, construct, and operate said railroad, and may condemn land for the purposes hereinbefore named by writ of *ad quod damnum*, as such condemnations are conducted under the laws of this State; may

Condemn property.

construct or purchase and use steam-boats, barges, railroad inclines, or other property useful in the conduct and operation of said railroad, and may unite and connect with any other railroad track or tracks in Maysville on such terms as may be agreed upon by the respective owners. Said railroad company may use the beach of the Ohio river and the public streets and alleys of the city of Maysville for the location, construction, and operating of said railroad, but only upon such terms, regulations, and conditions as may be agreed upon and established by the board of councilmen of the city of Maysville.

§ 4. The capital stock, which may be subscribed for under this act may be held in common with the other capital stock of said company; but persons subscribing for stock under this act shall not thereby become liable for any of the debts or obligations of said Columbus and Maysville Railroad Company, and shall only be bound to pay the amount agreed to be paid, and after having paid the same according to contract, said subscribers shall not be subject to any assessments on their stock, or any liability for the debts or acts of said corporation.

§ 5. This act shall take effect from and after its passage.

Approved February 25, 1882.

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#### CHAPTER 275.

AN ACT to incorporate the Supreme Council of the Order Mutual Friends.

WHEREAS, Certain persons, citizens of the States of Kentucky, Illinois, and Tennessee, have formed a corporation to promote morality and benevolence and industry in said States and in the United States; therefore, •

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Leonard G. Faxon, J. V. Fly, J. M. O'Neill, J. T. Pender, S. H. Singleton, J. T. Ross, and I. A. McSwain, and their successors, be, and they are hereby, created a body-politic, to be known by the name, style, and title of the Supreme Council Order Mutual Friends, and by such name and title shall have perpetual succession, and be capable in law of suing and being sued, pleading and being impleaded, and of purchasing, leasing, holding, granting, and of receiving in its



corporate name property, real, personal, and mixed, and of instituting grand and subordinate councils, and of receiving members under the jurisdiction of the Supreme Council as it may see fit, under such laws, rules and regulations, as the corporation may enact, not in conflict with the laws of this State nor of the United States.

§ 2. The objects of this corporation shall be to unite fraternally all acceptable white men of every profession, business, and occupation; to give all possible moral and material aid in its power to its members and those depending on its members, by holding moral, instructive, and scientific lectures; by encouraging each other in business, and by assisting each other to secure employment; to promote benevolence and charity by establishing a friends' benefit fund by assessment, from which, on satisfactory evidence of the death or permanent disability of a member of the order, a sum not to exceed five thousand and five hundred dollars shall be paid to his family, or as he may direct; to provide for creating a fund for the relief of sick and distressed members, and to ameliorate the condition of humanity in every possible way.

§ 3. The Supreme Council shall have a common seal for the making and delivering of all legal acts and proceedings, the same to break or alter at pleasure.

§ 4. The office of the Supreme Council shall be located at Paducah, McCracken county, State of Kentucky; and at any time a majority of the corporate members above named may call a meeting to transact the business of their order.

§ 5. The Supreme Council may provide for holding its annual meetings at such times and places as a majority of its voting members may select.

§ 6. The private property of members of the corporation shall be exempt from the debts of the corporation.

§ 7. The Supreme Council shall provide for the election of such officers as it may deem necessary to transact the business of the corporation and to further its objects, who shall hold their offices until their successors are duly elected and qualified and installed into office.

§ 8. The corporation shall have power to create by assessment, hold, and disburse the funds named in the objects of the corporation for promoting benevolence and relieving the sick and distressed, under such bonds and rules and regula-

tions as it may deem necessary to adopt, and said funds shall be exempt from execution, and shall under no circumstances be liable to seizure by any legal or equitable process for any debt or debts of the living or deceased members of the order; and said funds shall be exempt from the laws, rules and regulations governing the Insurance Bureau of this State.

§ 9. This act shall be in full force and effect from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 276.

AN ACT to incorporate Union Turnpike Company, of Madison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a company is hereby created, under the name and style of the Union Turnpike Road Company, for the purpose of making an artificial road from a point near Union Meeting-house, at the bridge across the fork of Otter creek, in Madison county, to the present terminus of the Union and Dreaming Creek Turnpike, at a point near James Golden's house. The following persons are appointed commissioners to receive subscriptions of stock, viz: H. N. Wells, James Golden, Wm. Jett, C. T. Wells, and B. R. Ford.

§ 2. The capital stock of the company, and the shares into which it shall be divided, shall be regulated by the commissioners above named, and may be diminished or enlarged by the board of directors, from time to time, as the exigencies of case may require.

§ 3. The books for subscription of stock in said company shall be opened at such times and places, under the direction of the commissioners above named, as they may deem proper.

§ 4. So soon as a sufficient amount of stock shall be subscribed to justify the commencement of said road, the commissioners aforesaid, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and three directors, who shall hold their offices for one year, or until their successors are elected and qualify. Upon the election and qualification of said president and directors of the company they shall be a body-politic and corporate, by the

name and style aforesaid; and by said name shall have perpetual succession; may sue and be sued; hold, acquire, and convey all necessary real and personal property for the purpose of constructing said road and keeping it in operation, and have all other privileges and franchises incident to a corporation.

§ 5. The county court of Madison county is hereby authorized to take stock in said road not to exceed the amount per mile which said court has now authority to subscribe by law to turnpike roads, and said court is authorized and empowered to assess the amount of stock which they may so subscribe, and it shall be collected according to the way, mode, and manner provided by the existing laws of this Commonwealth.

§ 6. When said road shall have been completed, it shall be lawful for said company to put up a gate and exact one half toll according to the rate prescribed by the general laws regulating turnpike roads. Said gate may be erected at any point deemed best by the board of directors, and may be changed to any other point at any time in the discretion of said board.

§ 7. That all the provisions of an act, entitled "An act to incorporate the Danville and Hustonville Turnpike Road Company," approved March 14th, 1844, except so far as they may be local in their application, or come in collision with the provisions of this act, be, and the same are hereby, made a part of this act, and shall have the same force and effect as if fully inserted herein and enacted at length.

§ 8. This act shall take effect from its passage.

Approved February 27, 1882.

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#### CHAPTER 277.

AN ACT authorizing the city of Newport to issue bonds for the redemption of certain other bonds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the city of Newport be authorized and empowered to issue bonds to the amount of thirty-seven thousand dollars, at such times, in such sums, and of such denominations as may be determined by ordinance of the board of

councilmen of said city, said bonds to be payable in twenty years from their date, but redeemable at any time in the discretion of the said city after the expiration of five years from the date of their issual, and they shall bear interest at a rate not exceeding five per centum per annum, and shall have coupons attached thereto, making the said interest thereon payable semi-annually. The said bonds shall not be sold for less than par value, and the proceeds of the sales of same shall be appropriated exclusively to the refunding and redemption of the bonds issued by the said city for funds for building the Licking bridge, dated January the 1st, 1853, and due thirty years after date, or on the first day of January, 1883. The said bonds, and the interest accruing on the said coupons attached thereto, shall be payable at the office of the city treasurer of the city of Newport, Kentucky, and be signed by the mayor and treasurer of said city, and have the corporate seal of the same affixed thereto; and they shall not be liable to taxation by said city. A tax shall be assessed and levied annually by the board of councilmen on the real and personal property in said city sufficient to discharge the interest accruing on said bonds, and to liquidate the bonds themselves at maturity.

§ 2. This act shall take effect from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 278.

AN ACT to incorporate the Waco, College Hill and Kentucky River Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That David Chenault, George W. Grinstead, William C. Ogg, Hamilton Norris, William Q. Covington, Jonas S. Griggs, Younger Norris, J. Ayers, and L. T. Griggs, and their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the corporate name and style of the Waco, College Hill and Kentucky River Turnpike Road Company, for the purpose of constructing and maintaining a turnpike road from the town of Waco, in Madison county, through College Hill to the Kentucky river in said county, at such

point as may be agreed upon by the board of directors ; and by that name may sue and be sued, contract and be contracted with, and plead and be impleaded in all the courts of this Commonwealth.

§ 2. The capital stock of said company shall be raised by individual subscription, and the subscription of the Madison county court of seven hundred and fifty dollars per mile as now regulated by law ; and said capital stock shall not exceed twenty-five thousand dollars.

§ 3. The capital stock shall be divided into shares of fifty dollars each.

§ 4. Any two of the incorporators hereinbefore named may open a book for subscriptions to the stock of the company at such time and place as they may determine, and the subscriber therein shall sign an obligation in substance as follows: " We, whose names are hereunto subscribed, respectively promise to pay to the Waco, College Hill and Kentucky River Turnpike Road Company the sum of fifty dollars for each share of stock set opposite our names, in such proportion and at such times as shall be determined by the president and directors of said company."

§ 5. The private property of members of this company shall be exempt from the corporate debts of said company.

§ 6. On the first Saturday in May, 1882, in the town of College Hill, a meeting of the stockholders of said company shall be held for the purpose of electing a president and five directors. One vote shall be allowed for each share of stock ; and the officers then elected shall continue in office one year, and until their successors are elected and qualified ; and thereafter, on the first Saturday of May in each year, an election of a president and five directors shall be held in the town of College Hill. No one who does not own stock in said road shall be eligible to the office of president or director in said company.

§ 7. The president and directors shall elect a secretary and treasurer, and shall fill such vacancies as may occur in said board during their term of office. Said board shall require of the treasurer, before he assumes the duties of his office, a bond for the faithful discharge of the duties of treasurer, and to faithfully account for and pay over all moneys that may come to his hands as treasurer, which bond and security shall be approved by the board.

§ 8. The board of directors shall have power to make all necessary by-laws and regulations for the government of said company; and may sue for and recover, in the name of the company, for delinquent stockholders, the amount due and unpaid upon any share or shares of stock in said company.

§ 9. The president and directors shall have the exclusive control of the construction and maintaining of said road, the erection of toll-gates and toll-houses, and the collection of toll as now regulated by law; and the provisions of chapter one hundred and ten of the General Statutes, title "Turn-pike, Gravel, and Plank Roads," shall apply to the road built by the said company, and to the rights, franchises, and liabilities of the company.

§ 10. The president and directors shall deliver a certificate, signed by the president and secretary, to each share-holder for the number of shares paid for by him, which certificate shall be transferable on the books of the company, either in person or by attorney, upon the return of the original certificate; but no share or shares of stock shall be issued or transferred whilst there is any arrearage due or unpaid thereon.

§ 11. The president may call meetings of the board at any time and place the business may require it. Said board shall keep a record of its proceedings, to be entered upon a book provided for that purpose; and after said record has been read and approved by the board, the same shall be signed by the president and secretary. In the absence of the president said board shall select one of their number, who shall preside over its meeting.

§ 12. The board shall fix and regulate the elevation and grade of said road, and the width and part thereof to be covered with stone.

§ 13. This act shall take effect from and after its passage.

Approved February 27, 1882.

#### CHAPTER 279.

AN ACT to amend an act, entitled "An act to reduce into one the several acts concerning the town of Campbellsville, in Taylor county," approved March 24, 1851.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the town of Campbellsville, in

Taylor county, shall have the power and the right to license and tax all taverns, groceries, merchants, coffee-houses, restaurants, nine or ten-pin alleys or bowling saloons, within the limits of said town, and to fix the tax on the same in a sum not exceeding one hundred dollars per annum in addition to the tax now required by law. No person to whom a license shall be granted shall ever enjoy the privileges conferred thereby until he shall have obtained a receipt from the clerk of the board of trustees for the amount of tax imposed by said board.

§ 2. It shall not be lawful for any person to keep a tavern, a coffee-house, restaurant, nine or ten-pin alley or bowling saloon, within the limits of said town, until he shall have obtained license therefor from said board; nor shall any merchant or grocery keeper sell any spirituous liquors to be drank on his premises in said town without such license; and any person who shall violate the provisions of this section shall be, upon conviction thereof before the police court of said town, fined in any sum not less than twenty nor more than one hundred dollars, to be paid into the treasury of said town; and on conviction a second time of a similar offense, shall, in addition to the fine above imposed, be disqualified from obtaining license within twelve months thereafter.

§ 3. This act shall not authorize any one to keep a tavern within the limits of said town who shall not have obtained a license from the county court as now provided by law, nor any merchant or grocery keeper to sell spirituous liquors without first obtaining the license now required by law.

§ 4. This act shall be in force from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 280.

AN ACT directing the county levy court of Jefferson county to re-district and lay off said county into twelve justices' districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county levy court of Jefferson county be, and it is hereby, directed, at its March term, 1882, to re-district the county of Jefferson, and lay off said county into twelve justices' districts.

§ 2. Said districts shall be laid off with reference to the population.

§ 3. The records and papers of all justices in the districts heretofore existing shall be transferred and delivered to the justice who may be elected at the August election, 1882, within the limits of whose district the office of the retiring justice may be situated.

§ 4. All laws and parts of laws in conflict herewith are repealed.

§ 5. This act shall take from its passage.

Approved February 27, 1882.

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#### CHAPTER 281.

AN ACT to incorporate the Mt. Tabor and Abnee's Mill Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a company is hereby created for the purpose of building and operating a macadamized road in Fleming and Nicholas counties, in this State, from a point on the Elizaville and Fairview Turnpike Road in said county of Fleming, near the Wayside school-house, past Mt. Tabor Church and Abnee's Mill to the Maysville and Lexington Turnpike Road, in Nicholas county.

§ 2. The name and style of said company shall be "the Mt. Tabor and Abnee's Mill Turnpike Road Company," and by that name it shall sue and be sued, contract and be contracted with, and may hold, acquire, sell, and convey all real and personal property necessary for the purpose of constructing said road and keeping it in operation, and shall have the privileges and franchises incident to such corporations.

§ 3. The capital stock of said company shall be five thousand dollars, to be increased or decreased at the will of the company, to be divided into shares of fifty dollars each.

§ 4. Thomas H. Caywood, W. H. H. Bentley, W. V. Prather, Frank M. Caywood, Harrison Collins, Aquilla Hildreth, and Nelson Collins are hereby appointed commissioners, who, or any two of them, may open a book for subscriptions to the stock of the company at such time and place as they may determine, of which due notice shall



be given by written notices posted at Mt. Tabor Church, Prather's School-house, Wayside School-house, and Abnee's Mill, and the subscribers to the stock shall sign therein an obligation in substance as follows, viz: We, whose names are hereunto subscribed, severally promise to pay to "the Mt. Tabor and Abnee's Mill Turnpike Road Company," the sum of fifty dollars for each share of stock set opposite to our names, in such proportions and at such times as shall be determined by the president and directors of said company.

§ 5. When the sum of one thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners, or any two of them, to give notice as directed in the preceding section of a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president and five directors. One vote shall be allowed for each share of stock, and the said officers of this company shall continue in office one year, and until their successors are elected and qualified. The time and place of the election after the first election shall be fixed by the president and directors, a majority of the directors being competent to transact the business of the corporation, and the president only voting in case of a tie; and no one who does not own stock in said road shall be eligible to the office of president or director in said company, and said officers shall continue in office one year, and until their successors are elected and qualified.

§ 6. Said corporation shall fix and locate the route for the construction of said pike, prescribe the grades, and the depth and width of the metal to be placed thereon, and the mode and manner of constructing the same, and repairing same, when needful; may designate the places for toll-houses, acquire land whereon to erect the same, fix the rates of toll, regulate and change same; but such rates shall not exceed the rates fixed by general law, and shall also fix the width of said road, to be not less, however, than thirty feet. After two and one half miles of said road shall have been completed, they shall have the right to charge proportionate toll, and so with each additional mile completed.

§ 7. It shall be lawful for the officers and employes of the company, for the purpose of constructing said road, to enter with their tools and appliances upon lands over and contiguous to which the intended road shall pass, first giving notice

to the owners and occupants thereof. The company shall have power to take and receive the right of way over and through the lands where said road may be located; and if, in any instance, from any cause, the right of way cannot be procured by agreement with the owner or owners of said land through which the road is to pass, then the company shall apply to the county court of the county in which said land lies for a writ of *ad quod damnum* to assess the damages which may be sustained to the owner or owners of such lands, and such court shall issue its writ by its clerk directing the sheriff of said county, on a day to be named in the writ, to meet upon the lands through which the way is sought to be established with a jury of twelve discreet housekeepers of said county, not living within two miles of said road, which jury, upon being duly sworn, shall view and assess the damages sustained, under the laws of the State, by the establishment of the right of way for said road, and upon payment or tender of the damages assessed, it shall be lawful for the company to open and make said road, and do all the work pertaining thereto; and the writ of *ad quod damnum* with the action had thereon shall be returned to the office of the court whence it issued; and all proceedings thereon shall be the same as are prescribed by the general law when said writ is issued, so far as is not inconsistent with this charter. Said company may condemn rock-quarries for the use of its road as hereinbefore provided in this section.

§ 8. The county courts of Nicholas and Fleming counties are hereby empowered to and shall subscribe one thousand dollars per mile, and may subscribe not more than fifteen hundred dollars per mile, for the purpose of constructing said turnpike road for that portion of said road in their respective counties, and shall levy a tax to pay the same; but before the county court of either of said counties shall subscribe anything for the construction of said road, the company organized under this charter shall have procured individual or other subscription, which, when added to said county subscription, shall be sufficient to complete said road two and one half miles; and they shall subscribe upon like condition for the completion of said road, but for not less than one mile at a time.

§ 9. Said company may build and operate a branch turnpike road from Prather's school-house, on the line of said

road, to Buchanan creek, or the Nicholas county line. It may also build and operate a branch turnpike road from the main line of its road, near F. M. Caywood's, to the Maysville and Lexington Turnpike Road in the vicinity of Mt. Pisgah Church; and the provisions of this charter shall apply to the construction and operation of said branches as fully as they do to the main line. And the county court of Fleming county is hereby empowered to and shall subscribe for the construction of said branch roads, not less than twelve hundred dollars per mile nor more than fifteen hundred dollars per mile, conditioned that before the county court shall subscribe anything for the construction of either of said branch roads the company organized under the provisions of this charter shall have procured individual or other subscription, which, when added to said county subscription, shall be sufficient to complete said road.

§ 10. The gate-keepers or other employes appointed and put into the toll-houses or other houses of said company, shall not thereby become tenants of said company, but shall only be occupants at the option of the president and directors; nor shall they be entitled to any notice to deliver the same, and any lands attached, other than an order from the president notifying them, or either of them, of his or her dismissal.

§ 11. The president and directors may appoint, from time to time, such officers as they may need, and may require of them bond and surety for the diligent and faithful performance of the duties required of them, and discharge them whenever it may seem proper; such officers to be required, before entering upon the duties of their office, to take an oath in writing, by them subscribed, before some person authorized to administer the same, that they will faithfully discharge the duties of said office, which oath and certificate thereof shall be filed among the records of said company.

§ 12. This act shall take effect from and after its passage.

Approved February 27, 1882.

## CHAPTER 282.

AN ACT to repeal an act, entitled "An act in relation to taking a vote on the question of license or no license, and regulating the sale of spirituous, vinous, and malt liquors in Bracken county," approved March 18, 1878 and the act amendatory thereof, approved April 24, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act in relation to taking a vote on the question of license or no license, and regulating the sale of spirituous, vinous, and malt liquors in Bracken county," approved March 18th, 1878, and the act amendatory thereof, approved April 24th, 1880, be, and the same are hereby, repealed.

§ 2. That the act, entitled "An act to regulate the sale of spirituous, vinous, and malt liquors in this Commonwealth," approved January 26th, 1874, suspended in the said county of Bracken by the acts hereby repealed, be, and the same is, revived and re-enacted and declared to be in full force and effect therein.

§ 3. That this act shall be in force from its passage.

Approved February 27, 1882.

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CHAPTER 283.

AN ACT to amend the charter of the town of Kuttawa, Lyon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the police judge of said town be, and he is hereby, empowered to open and hold a term of his court at such times as the business before it may require for the trial of offenders against the ordinances of said town, and for breaches of the peace and other penal offenses committed within the corporate limits thereof.

§ 2. That each term of said court shall be held open and continue from day to day in session, Sunday excepted, until all matters pending before it shall be disposed of.

§ 3. That in all convictions for violations of the ordinances of said town, where the party convicted refuses or fails to pay the penalty imposed, or satisfy the judgment of said court, it shall be lawful for the judge thereof to cause, by an order entered of record, said party so convicted to be committed to

the town prison for a number of days, not to exceed one day for each two dollars of the sum assessed by the judge or jury trying the cause.

§ 4. When confined in said prison, by order of court, the party so confined shall be provided with suitable and sufficient diet and bedding at the expense of said town, to be paid out of the treasury thereof.

§ 5. The police judge of said town shall have concurrent jurisdiction with justices of the peace in all civil actions, and with judges of county courts in holding examining courts in cases of felony, in granting injunctions and orders of attachment, and other provisional remedies.

§ 6. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 7. That the provisions of this act shall take effect from and after its passage.

Approved February 27, 1882.

## CHAPTER 284.

AN ACT prohibiting the sale of spirituous, vinous, or malt liquors in the town of Corydon, in Henderson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall not be lawful for any person or persons to sell spirituous, malt, or vinous liquors, or any mixture containing alcohol which may be used as a beverage, in the town of Corydon, in Henderson county, Kentucky, or within one fourth mile of said town. Neither the county court of Henderson county or the trustees of the town of Corydon shall grant a license to any person to sell any of the said liquors in Corydon, or within mile thereof.

§ 2. Any person compounding said liquors into bitters, or disguising them in any way for the purpose, or giving them away upon the sale of any other article, shall, upon such sale or gift, be subject to the same fines and penalties as in section third.

§ 3. That any person selling such liquors in violation of this act shall be deemed as guilty of keeping a tippling-house, and shall be subject to the same fines and penalties as are now provided by law for keeping a tippling-house.

§ 4. All fines may be assessed without the intervention of a grand jury before the police judge, magistrate, or county judge. The officer collecting such fines shall pay same into the treasury of the Corydon public school district for the use and benefit of said district.

§ 5. That so much of the Local Option Law as conflicts with this act be, and the same is hereby, repealed.

§ 6. This act to take effect from its passage.

Approved February 27, 1882.

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### CHAPTER 285.

AN ACT to amend the charter of the town of Millersburg, in Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Jurisdiction.

§ 1. That the charter of the town of Millersburg, in Bourbon county, be, and the same is hereby, amended so that the police court of said town of Millersburg shall have civil jurisdiction only within the corporate limits of the said town as now defined and established by law; and when civil process from said court is executed on any non-resident of said city, then it shall be returned by the officer executing it, with the original papers in the cause, to a justice of the peace within the justice's district in which the defendant resides, unless the said defendant consent otherwise in writing, indorsed on the summons or civil warrant.

Terms.

§ 2. Said court shall not have more than four terms each year for the transaction of civil business, to be held at the time and place the judge of said court may appoint by order of record at the first term of his court after the passage of this act.

Appeals.

§ 3. Appeals shall lie from the judgments of said police court in civil cases in the same manner and for the same sums as from judgments of justices of the peace, and the jurisdiction of said court in civil matters in said town shall be concurrent with the jurisdiction of justices of the peace, and all laws now in force in regard to the jurisdiction of justices of the peace shall apply to and determine the jurisdiction of said police court subject to the provisions of section one of this act.

§ 4. An appeal shall lie from the judgment of said court to the Bourbon quarterly court from all judgments for fines or forfeitures of ten dollars or more.

§ 5. The laws in relation to changes of venue in justices' courts shall apply to the said police court.

§ 6. In the examining trial of all prosecutions for felonies, the said police judge shall associate with him one justice of the peace.

§ 7. Said police judge shall have and be entitled to the same fees allowed to justices of the peace for similar services by them, and shall not receive or collect any greater fees in any case.

§ 8. All acts or parts of acts in conflict with this act are hereby repealed.

§ 9. This act shall take effect from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 286.

AN ACT to authorize the Henry county court to issue bonds and levy an ad valorem tax to raise funds to build a bridge across Drennon creek, in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Henry county court, sitting as a court of claims, is authorized to appropriate any sum of money in their discretion sufficient to pay for the erection of a bridge across Drennon creek, in said county, at or near the mouth thereof.

§ 2. Said court may issue the bonds of said county payable at such times and bearing such interest as it may determine, and place a sufficient number thereof in value on the market to pay for the erection of said bridge.

§ 3. Said bonds shall be made payable to bearer; shall pass by delivery, and shall be signed by the county judge and county clerk of Henry county.

§ 4. The county court, sitting as a court of claims, shall, from time to time, levy such tax as they deem necessary on the taxable property of the county for the purpose of paying the interest and principal of said bonds.

§ 5. This act shall take effect from its passage.

Approved February 27, 1882.

## CHAPTER 287.

AN ACT in relation to that part of the Covington and Lexington Turnpike Road, situated in Kenton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Kenton county be, and it is hereby, authorized and empowered to assume jurisdiction and control over that part of the Covington and Lexington Turnpike Road, situated in said county, between the town of Walton and the town of Crittenden; and the same shall be managed and kept in repair under the order and direction of said court, in the same manner that other public roads in said county now are: *Provided*, That before said court shall take charge of said road, or any part thereof as aforesaid, the trustees of the Cincinnati Southern Railway shall give their consent to the same, and such consent, with the conditions, if any, upon which the same is given, shall be entered in full upon the records of said court.

§ 2. That this act shall take effect from and after its passage.

Approved February 27, 1882.

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CHAPTER 288.

AN ACT to amend the charter of the city of Maysville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of councilmen of the city of Maysville be, and it is hereby, authorized to purchase and hold real estate, and to erect or repair buildings thereon suitable for common schools in said city; and to pay for the same may borrow money, not exceeding four thousand dollars at any one time, and execute the bonds or notes of the city therefor, due and payable as said council may direct, with interest at a rate not exceeding six per cent. per annum, payable annually or semi-annually, as may be agreed upon.

§ 2. That the said council shall have power to sell and convey any real estate and appurtenances now held for common school purposes, and re-invest the proceeds thereof in other real estate or buildings suitable for such purposes.



§ 3. That all former acts of the said council in buying real estate and building thereon for common school purposes, as contemplated by the charter and ordinances of said city, be, and the same are hereby, legalized and confirmed.

§ 4. This act to take effect and be in force from and after its passage.

Approved February 27, 1882.

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CHAPTER 289.

AN ACT to amend an act, entitled "An act to incorporate the Western Financial Corporation," approved February 10, 1865.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all the powers and privileges conferred by an act, entitled "An act to incorporate the Western Financial Corporation," approved February 10, 1865, and an act amendatory thereof, approved March 2, 1865, be, and the same are hereby, extended for the period of twenty-five years.

§ 2. This act to take effect on the 10th day of February, 1885.

Approved February 27, 1882.

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CHAPTER 290.

AN ACT to incorporate the Hebron Cumberland Presbyterian Church, in Logan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Samuel A. Grinter, James H. Rutherford, and Peyton R. McLean, and their successors in office, be, and are hereby, created a body-politic and corporate, by the name and style of the Trustees of Hebron Cumberland Presbyterian Church of Logan county, and by said name shall have perpetual succession; and in their corporate name have power to buy, to take by devise or bequest, or by gift, or by deed, any real estate, not exceeding the amount allowed by law to churches, and any personal property; and to hold, convey, and otherwise dispose of the same, with all the powers incident to religious corporations, and shall sue and

Incorporators.

Style.

be sued, plead and be impleaded, so far as may be necessary to protect the property and rights of said church, and to hold and employ the property so acquired and held by them, and dispose of it, and make contracts about it for the use and purpose of carrying out and promoting the interests of said church.

Vacancy.

§ 2. In case there should be a vacancy in the trustees of said church, it shall be filled in the same manner that trustees are elected or appointed by said church.

§ 3. This act shall take effect from its passage.

Approved February 27, 1882.

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## CHAPTER 291.

AN ACT for the benefit of R. K. Hart, sheriff of Fleming county.

WHEREAS, Theodore Hart, late sheriff of Fleming county, on the 21st day of December, 1881, tendered to the county judge of Fleming county his resignation as sheriff of said county, which resignation was on the same day accepted; and whereas, Rawleigh K. Hart was on that day appointed sheriff of Fleming county, to fill out the unexpired term of said Theodore Hart, and thereupon executed a bond for the collection of the State revenue for the year 1882, and a bond for the collection of the county levy for the year 1882, and a bond for the faithful discharge of his official duties as sheriff aforesaid, with Theodore Hart, W. H. Hendrick, Charles Peed, S. B. Plauck, and John Ryan as sureties, which several bonds were approved and accepted by the court; and whereas, a necessity will exist for the election of a sheriff at the August election, 1882, to fill the vacancy in the unexpired term of said Theodore Hart until the first Monday in January, 1883; and in order to avoid the necessity of said election and the complications resulting therefrom,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That R. K. Hart, the present appointee, or any other person hereafter appointed to fill said vacancy until the next August election, 1882, be, and he is hereby, authorized and invested with full power to continue to fill the vacancy in the unexpired term for which the said Theodore Hart was

elected, to-wit: from the August election, 1880, until the first Monday in January, 1883, to enjoy all the rights, privileges, and immunities pertaining thereto, and subject to all the pains, penalties, liabilities, and obligations imposed by statute upon sheriffs in the discharge of their duties.

§ 2. This act shall take effect from its passage.

Approved February 27, 1882.

## CHAPTER 292.

AN ACT to charter the Three Forks Deposit Bank of Beattyville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a bank is hereby established in the town of Beattyville, Lee county, Kentucky, by the name and style of the Three Forks Deposit Bank of Beattyville, and by that name is incorporated, and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever having jurisdiction; it may have a common seal, and change or alter the same at pleasure.

§ 2. The stock in said bank shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall from time to time establish.

§ 3. That David Pryse, John G. McGuire, S. P. Brandenburg, E. M. Pryse, and Thomas Carter may, at such time or place as suit their convenience, open books for the subscription of stock, which shall be in shares of hundred dollars each, and when fifty shares are subscribed and paid for, the stockholders shall meet and organize said bank by choosing a president, directors, and other officers, whose compensation and salary shall be fixed, and bond and security may be required for the faithful performance of their duties.

§ 4. The capital stock of said bank shall not be less than ten thousand dollars, which may be increased to fifty thousand dollars.

§ 5. Private property of the individual stockholders shall in no case be responsible for the corporate debts.

§ 6. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulated as money, and repay the same in such manner and at such

time as may be agreed upon with depositors by special or general contract; and may deal in loaning of money, exchange, promissory notes, and other evidences of debt; take personal or other security and real estate for the payment thereof, and dispose of same as authorized by an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871: *Provided*, That the rate of interest charged by said bank shall not exceed six per cent. per annum.

§ 7. The said corporation may acquire, hold, possess, use, enjoy, and occupy all such real estate, goods, and chattels, as may be convenient and necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree of any court having jurisdiction, and sell and convey the same; and may make all needful by-laws for the government of said bank not inconsistent with the Constitution and laws of the United States or the State of Kentucky.

§ 8. Said bank shall be authorized to receive deposits from minors and married women, and checks or orders for such deposits shall be good against said parties.

§ 9. Dividends, if any, shall be declared on the first Saturday in January and July of each year.

§ 10. It shall not be lawful for said bank to issue any notes or bills to be used as currency.

§ 11. That each stockholder in said bank shall be entitled to one vote for every paid-up share of stock held and owned by him, and may cast said vote in person or by proxy in the determining of all matters to be decided by the vote of the stockholders.

§ 12. The president and cashier shall issue certificates of stock to the holders thereof for the stock actually paid for, and said shares shall be held as personalty and assignable only in the manner prescribed by the by-laws of said bank.

§ 13. Said bank shall be under the control and management of a board of five directors, who shall be stockholders residing in the State of Kentucky, who shall hold their offices until their successors are elected and qualified; and after their first organization under this charter, they shall be elected annually on the first Monday in January of each year, or as soon as practicable thereafter; and in case of

vacancy from any cause, the remaining directors may fill the same with other stockholders.

§ 14. This act is declared to be in force from and after its passage, and the corporators above named, or the majority of the same, shall have all the power and authority of directors until their successors are elected and qualified.

§ 15. The Legislature retains the right to alter, amend, or repeal this charter at will, and it shall expire at the end of twenty-five years.

Approved February 27, 1882.

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CHAPTER 293.

AN ACT to amend the charter of the Covington Protestant Children's Home.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the eleventh section of an act approved April 13, 1880, entitled "An act for the establishment of and to incorporate the Covington Protestant Children's Home," be, and the same is, so amended as to read as follows, to-wit: five members of the board of trustees shall constitute a quorum.

§ 2. This act shall take effect from and after its passage.

Approved February 27, 1882.

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CHAPTER 294.

AN ACT for the benefit of the poor of Mercer county.

WHEREAS, On account of the drouth last year, many poor in Mercer county are in destitute circumstances; and whereas, the county court of Mercer county has heretofore fixed by order the ad valorem levy for said county for the benefit of the poor; and whereas, doubts have arisen as to whether said county court can change said order, and the necessities of the poor of said county requiring an additional levy, for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Mercer county court, a majority of the justices of said county concurring, are hereby authorized to make an additional levy on all the property of Mercer county subject to taxation for State revenue purposes for the benefit

of the poor of said county, not, however, to exceed six cents on each one hundred dollars of taxable property aforesaid.

§ 2. That only one levy is authorized under this act.

§ 3. This act shall be in force from its passage.

Approved February 27, 1882.

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#### CHAPTER 295.

AN ACT to amend an act to incorporate the Union Bridge Company, approved March 13th, 1865.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Union Bridge Company is hereby empowered and authorized to consolidate with any bridge company organized under the laws of Indiana or Kentucky, upon such terms as may be agreed upon by a majority of the stockholders of either of such corporations so consolidated; and such consolidated company shall have all the rights, powers, franchises, and privileges of either of the said companies so consolidated.

§ 2. Said corporation may mortgage separately any of its connections, leased lines, or branches, and may issue bonds secured by a mortgage of such line or connection to an amount not exceeding two thirds of the cost of such connections, branches, or leased lines upon which said mortgage may be placed.

§ 3. The board of directors of the Union Bridge Company shall consist of any number not less than five nor more than thirteen, which the stockholders of said corporation may fix.

§ 4. This act shall take effect from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 296.

AN ACT to prevent the sale of spirituous, vinous, and malt liquors within two miles of Flat Lick, Knox county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall not be lawful for any person or persons to sell any spirituous, vinous, or malt liquors within two miles of the Flat Lick Church-house, in Knox county.

§ 2. That for every violation of section one, the guilty parties, upon conviction, the penalty shall be as prescribed by the General Statutes for retailing without license or keeping tippling-house.

§ 3. This act to take effect from its passage.

Approved February 27, 1882.

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CHAPTER 297.

AN ACT to incorporate the Young Men's Christian Association, of Lexington.

WHEREAS, A society has been formed in the city of Lexington, Kentucky, known as the Young Men's Christian Association, of Lexington, Kentucky, whose object is to establish one or more reading-rooms in said city to furnish a place of meeting for strangers, and those destitute of home influence, to relieve distress and destitution, and generally for the purpose of charity, and to promote Christian unity and brotherhood; and whereas, said society has effected a temporary organization by the election of R. S. Bullock as its president; W. R. Milward as its vice president; R. H. Courtney, treasurer; George A. Joplin, recording secretary; W. R. Murray, corresponding secretary; and H. B. McClellan, Joseph Scott, Dr. J. A. Stucky, Hiram Shaw, Hugh Hicks, C. R. Hunt, Rev. C. L. Loos, J. W. Appleton, and Andrew J. Campbell as its board of directors; and whereas, said society desires a more permanent organization; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said society, organized with the above named officers, be, and the same is hereby, created a body-politic and corporate, under the name and style of "The Young Men's Christian Association, of Lexington, Kentucky;" with power under that name to sue and be sued, to plead and be impleaded; to make contracts; to have and use a common seal, and to alter the same at pleasure; to acquire, hold, and transfer property, either real or personal, possessing the same powers in such respects as private individuals have; to establish by-laws, and make all rules and regulations deemed expedient for the management of their affairs, not inconsistent with the Constitution or laws of the State of Kentucky

or of the United States. The private property of the members of said society shall not be bound for the debts of the association; and the society may, by its by-laws, fix, and at time, change or alter the officers of the association, and fix their duties and term of office; and may also receive new members, from time to time, in such manner as shall be fixed by the rules or by-laws of said association.

§ 2. This act shall take effect from and after its passage.

Approved February 27, 1882.

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## CHAPTER 298.

AN ACT to charter the Stanford Woolen Mills.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporators.

§ 1. That Joseph H. McAlister, Henry C. Bright, B. Mattingly, R. T. Mattingly, M. B. McAlister, as executrix, and J. W. McAlister, as executor for the benefit of the estate of Joseph McAlister, deceased, together with their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, under the name, style, and title of the Stanford Woolen Mills; and under that name shall have perpetual succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, as a natural person, in all courts and places; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may also make such rules, by-laws, and regulations as they may think proper for the management, government, and conduct of said corporation, its property, business, and affairs, and alter and change them at will; but not be in conflict with the laws of the State or of the United States.

§ 2. The business of said corporation shall be the manufacture of cotton and woolen or other yarns or thread, and manufacture of cotton and woolen or other goods in which it may choose to engage, and to purchase and sell, in or out of the State, stock, materials, and manufactured articles, and may for this purpose appoint agents.

§ 3. The capital stock of this corporation shall not be less than fifteen thousand dollars (\$15,000) nor more than two hundred thousand dollars (\$200,000), in shares of one hundred



dollars (\$100) each, which shall be deemed personal estate and pass as such, and may be transferable upon the books of this corporation as may be prescribed by the by-laws. .

§ 4. The affairs of said corporation shall be managed by not less than three nor more than five directors, one of whom shall be president, chosen by themselves, and all of whom shall be stockholders, and shall continue in office for one year, or until their successors are elected; and the board of directors shall have power, from time to time, to increase the capital stock as they may deem proper, so as not to exceed the sum of two hundred thousand dollars (\$200,000), and to issue certificates of stock therefor in accordance with the by-laws; and shall have power to elect all other officers and agents of the corporation, and to prescribe their duties, qualifications, and their compensation and terms of office, and may take bond for the faithful discharge of their duties, and to remove them at pleasure.

Directors.

Capital stock.

§ 5 The corporation shall have power to buy, hold, lease, or sell such real estate or personal property as shall be necessary and proper for the conduct of its business or to secure debts due it.

Corporate powers.

§ 6. Every stockholder shall be entitled to one vote for each share of stock in the corporation at the election of directors, and in any stockholders' meeting, for any purpose, and may vote either in person or by written proxy signed by himself.

Who shall vote.

§ 7. This corporation has the power to borrow such sums of money as will be necessary to carry on and conduct its business, the aggregate amounts of which shall not at any one time exceed one half of its paid-up capital.

§ 8. The individual property of the stockholders shall be exempt from all debts and liabilities of the corporation.

§ 9. This act shall take effect and be of full force from and after its passage.

Approved February 27, 1882.

## CHAPTER 300.

AN ACT to authorize W. H. Davis, J. S. Kelly, and J. C. B. Auxier to erect and keep a boom at the mouth of John's creek.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That W. H. Davis, J. S. Kelly, and J. C. B. Auxier, and their assigns, heirs, and survivors, are authorized to erect and keep a boom in and across the mouth of John's creek, in Floyd county, for the purpose of catching and securing such loose saw-logs as may come against it, and they are authorized to charge the owners of the logs ten cents per log for catching and holding the same, and shall have a lien on the said logs for the charges ; and when it becomes necessary to open said boom, if any of the owners of the logs should not be present and able to take care of their logs, then the owners of the boom are authorized to raft said loose logs and charge a reasonable compensation therefor, and have a like lien on the logs for the rafting as is given herein for catching: *Provided*, The keepers of said boom shall use reasonable diligence in holding said boom ; but shall not be responsible for unavoidable accidents.

§ 2. This act shall take effect from its passage.

Approved February 27, 1882.

## CHAPTER 301.

AN ACT to incorporate the Madison County Fair Association.

WHEREAS, The Madison County Joint Stock Agricultural and Mechanical Fair Association, heretofore incorporated, has been dissolved, and the property and grounds formerly owned and used by the same for its purposes have become the property under a decretal sale of John D. Harris, James B. McCreary, C. D. Chenault, J. P. Herndon, J. W. Embry, W. T. Tevis, O. H. Chenault, H. B. Dillingham, H. N. Wells, W. R. Letcher, D. M. Bright, H. A. Moran, B. H. Neale, J. Stone Walker, M. F. Arbuckle, John A. Duncan, S. H. Stone, Clifton Burgin, A. M. White, G. W. Evans, Robert Tribble, Joe. Phelps, B. F. Tevis, W. H. Harbor, Wm. Dozier, C. F. Burnam, C. H. Breck, Jno. B. Parkes, R. B. Terrill, and Wm. Arnold, who propose to use the said property and any more which they have acquired and may acquire under this act for

the same purposes for which the same was used by their predecessors ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the persons hereinbefore named in the preamble be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of " the Madison County Fair Association," and by that name are hereby vested with all the powers, privileges, and franchises conferred upon the Madison County Joint Stock Agricultural and Mechanical Association by an act incorporating the same, approved January 29, 1867, and all the different acts amendatory thereof, as fully as if the provisions of the same were fully set forth herein: *Provided, however,* That the capital stock of the association hereby created shall be divided into shares each of not less than one hundred dollars, and not more than five hundred dollars, the amount of each share to be fixed, and the stock to be subscribed for, taken, and paid for as the corporation may hereafter determine.

§ 2. The officers of the association heretofore elected by agreement among the parties, and now acting, shall continue to act with all the powers conferred upon the several officers of the association by this act until the time fixed for a regular and general election, and until their successors are qualified.

§ 3. This act shall take effect from its passage.

Approved February 27, 1882.

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#### CHAPTER 302.

AN ACT to incorporate the Alexandria and Newport Telephone Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That William Hartman, T. M. Hill, F. S. Vitt, George F. Truesdell, John Todd, T. A. Ratliff, J. S. Ducker, John C. Sthroll, Thomas Jones, Gus. Artaman, J. J. Hetsch, their associates and successors, are hereby created a body-corporate, with power to sue and be sued, to plead and be impleaded with, to contract and be contracted with, under the name and style of the Alexandria and Newport Telephone Company.

§ 2. They are empowered to erect, operate, and maintain a telephone line from Alexandria to Newport, in Campbell county.

§ 3. Any three of the corporators above named may act as commissioners to open books, receive subscriptions for the purposes aforesaid, and to issue certificates of stock; and when fifty shares of stock shall have been subscribed, shall call a meeting, and organize by electing a president and four other stockholders, who shall constitute a board of directors.

§ 4. Said board shall continue in office one year, and until their successors are elected and qualified at a meeting of the stockholders, to be held annually for that purpose, in Alexandria, on such day and at such place as the board may direct, and of which due notice shall be given to the stockholders.

§ 5. The board may appoint such other officers as they may deem necessary for carrying out the purposes contemplated in this act; and may make all needful rules, regulations, and by-laws in regard to said company and its business, and shall require bond, with good security, from the treasurer or others holding funds of the company to fully secure the same.

§ 6. The capital stock of said company shall not be less than five hundred nor more than two thousand dollars, divided into shares of ten dollars each.

§ 7. Said company may acquire, hold, convey, and dispose of real estate as other corporations may do under the general laws of this State, to an amount not exceeding three thousand dollars; and may acquire, hold, and dispose of such personal property as may be necessary to the proper carrying on of their business.

§ 8. In no case shall the private property of stockholders be liable for the debts of the company.

§ 9. Said company may contract with any person or corporation for supplying them with telephonic facilities, and the use of telephone instruments, and for said purpose may build branch lines from said main lines; said contract to be upon such terms as may be agreed upon by the parties.

§ 10. This act shall take effect from its passage.

Approved February 27, 1882.

CHAPTER 303.

AN ACT to establish a voting precinct in Scott county, to be known as Payne's Depot precinct.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a precinct be, and is hereby, established, to be known as Payne's Depot precinct, and the voting place to be Payne's Depot; the boundary to be as follows, to-wit: On the north beginning with the Iron Works road at the point where it crosses the Fayette line, and running with same to the White Sulphur precinct; thence south with the line of said precinct to the south branch of Elkhorn creek; on the west by the Midway Turnpike Road; the other boundaries to be the lines between Scott, Fayette, and Woodford counties. Said precinct shall have two magistrates and one constable.

§ 2. This precinct may be abolished at any time by an order of the county court.

Approved February 27, 1882.

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CHAPTER 304.

AN ACT to repeal an act, entitled "An act for the benefit of certain turnpike roads in Shelby county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act for the benefit of certain turnpike roads in Shelby county," be, and is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved February 27, 1882.

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CHAPTER 305.

AN ACT for the benefit of Forrest L. Yates, of McLean county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That L. Yates, of McLean county, be, and he is hereby, empowered, in the manner and under the responsibilities

prescribed for adult citizens, to obtain a license and practice-law in the courts of this Commonwealth.

§ 2. This act shall take effect from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 306.

AN ACT to amend an act, entitled "An act for the benefit of Taylor county, empowering it to compromise its debts, issue bonds, and levy and collect taxes to pay the same," approved March 18, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the words "twenty-five," preceding the word "thousand," in the first section of said act, be, and the same is hereby, stricken out, and the word "fifty" inserted in lieu thereof.

§ 2. That in the event judgment shall be rendered on any bond or bonds which may be issued by the county of Taylor under the provisions of the act to which this is an amendment, or on any coupons of any such bond or bonds, such judgments shall constitute a lien upon all real and personal property in said county subject to taxation under the revenue laws of this Commonwealth.

§ 3. If the court rendering such judgment shall be of opinion that such serious obstruction is likely to be offered to the enforcement of any such judgment as will materially delay it, it shall, on motion of the plaintiff therein, refer the same to a commissioner, with instructions to ascertain and report, on a day to be by it named, the amount which it will be necessary for the holders or owners of any such property to pay in order to raise promptly, in proportion to the value of such property owned by each, a sum sufficient to pay the said judgment, and all costs of the said suit, and the costs of collecting the same, making due allowance for probable delinquencies. Upon making any such reference, the said court shall make an order, and, if need be, enforce it by process of contempt, directing the officers having charge of the books containing the last assessment for the purposes of State taxation, to deliver them to the said commissioner, to be by him used in making out his report.

§ 4. If, for any reason, such assessment books shall not be promptly forthcoming, the court shall provide for a new assessment under the direction and supervision of the said commissioner.

§ 5. Upon the completion of said report, the said commissioner shall file the same in the clerk's office of said court, and publish in a newspaper published in Taylor or Marion county, once each week for three weeks, a notice of the filing of said report, and stating that the same will be subject to exceptions, to be filed in said clerk's office, until a day to be mentioned in said notice, which day shall not be less than thirty nor more than forty days from the last day on which the said notice is to be published.

§ 6. On a day to be named by the court in the order referring the said judgment to the commissioner, or on the first day of the next regular or special term of the said court after the expiration of the time for filing exceptions, the said exceptions shall stand for hearing; but the hearing thereof may be continued from time to time, for good cause shown, or to suit the convenience of the court.

§ 7. When, after such correction as the court may deem proper, the said report shall be approved and confirmed, judgment shall be rendered against the parties named in the report for the amounts therein named, and at the expiration of ninety days from the date of said judgment several executions shall issue against all persons who have not then paid to the sheriff, or other officer who collects executions from said court, for the sums adjudged to be due by them respectively, which may be levied on any property subject to the State revenue tax held by the defendants, respectively, or which was owned by them at the date of the judgment.

§ 8. The court shall make proper orders for the safe-keeping and disposition of the money to be collected under the provisions of this act; and if the amount collected shall be more than necessary to pay the judgment and costs, the residue shall be paid over to the commissioner of the sinking fund of said county, to be used for the payment of the principal and interest of bonds issued under the act to which this is an amendment.

§ 9. The sheriff or other officer who may collect such sums as shall be voluntarily paid to him under any such judgment

shall be entitled to the same compensation which sheriffs receive for collecting taxes due to this Commonwealth.

§ 10. The bonds to be issued under the act to which this is an amendment shall, on their face, stipulate that the holders of any of them, or any coupon thereof, shall be entitled to the remedies for the collection for the same herein, and in the act to which this is an amendment, provided for.

§ 11. This act to take effect from its passage.

Approved February 27, 1882.

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#### CHAPTER 307.

AN ACT to create an additional voting place in Petersburg district, Webster county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional voting place is hereby established at Sebree City, in Petersburg district, in Webster county, at which any or all the voters of said district may vote at any election held under the laws of this State. The county court of Webster county shall annually appoint officers of election for said voting place as prescribed in article three, chapter thirty-three, of the General Statutes.

§ 2. This act shall take effect from its passage.

Approved February 27, 1882.

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#### CHAPTER 309.

AN ACT to amend an act, entitled "An act to incorporate the Pleasant Hill and Jessamine County Turnpike Road Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the president and directors of the Pleasant Hill and Jessamine County Turnpike Road Company be, and they are hereby, authorized and empowered, in their corporate capacity, to execute a mortgage or mortgages to such person or persons as have furnished means for building said road (outside of his or their respective subscriptions of stock), upon the whole of the property, rights, credits, and franchises of said road, for the payment of the money so furnished, together with six per cent. interest per annum from the first



day of July, 1881. This act shall not affect in any way the vested rights of any claimant or claimants against said road.

§ 2. This act to take effect from and after its passage.

Approved February 27, 1882.

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CHAPTER 310.

AN ACT to amend the charter of the North Middletown and Winchester Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the number of managers of the North Middletown and Winchester Turnpike Road Company, in Bourbon county, shall be, and is hereby, limited to two, viz: a president and treasurer, who shall be annually elected by the stockholders of the company, at a meeting convened for that purpose, and shall continue in office until their successors are elected.

§ 2. The president shall be superintendent of the road, and make all contracts and arrangements necessary for its improvement and repairs, and give his written orders on the treasurer for payment.

§ 3. The treasurer shall collect from gate-keepers and others all tolls and other sums which may become due to the company, and pay the same as directed on orders of the president. He shall keep an accurate account of receipts and expenditures, and make a report of same to the stockholders at their annual meeting for election of officers.

§ 4. This act shall take effect at and from the next annual stockholders' meeting of said company.

Approved February 27, 1882.

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CHAPTER 311.

AN ACT to amend an act, entitled "An act to incorporate the Lancaster and Buckeye Turnpike Road Company," approved March 10th, 1856.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That to enable the president and directors of the Lancaster and Buckeye Turnpike Road Company, in Garrard

county, Kentucky, to complete their road a distance of some five and one fourth miles, and to erect necessary toll-houses, they shall be, and are hereby, authorized and empowered to borrow sufficient money for that purpose, not, however, exceeding one thousand dollars per mile of the unfinished portion, and to pledge and bind the franchises of the company for its payment, and any interest that may accrue thereon

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 312.

AN ACT to amend an act, entitled "An act to incorporate the Lancaster and Buckeye Turnpike Road Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section 13 of an act, entitled "An act to incorporate the Lancaster and Buckeye Turnpike Road Company," approved March 10th, 1856, adopting section 33 of the act, entitled "An act to incorporate the Hustonville and Danville Turnpike Road Company," approved March 1, 1844, to the extent that same allows venire men, grand jurors, and persons going to and from mill, to pass through the toll-gates on said road free of toll, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 313.

AN ACT to prohibit the sale of intoxicating liquors within one mile of Mt. Zion Church, in Grant county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall hereafter be unlawful for any person or persons to sell, lend, or give, furnish, or cause to be furnished, any spirituous, vinous, or malt liquors within one mile of Mt. Zion Church, in Grant county. Any person violating any of the provisions of this act shall be fined in any sum not less than twenty-five nor more than one hundred dollars, in the

Fine.

descretion of the court or jury trying the case, recoverable before a justice of the peace or any court of competent jurisdiction in said county.

§ 2. This act shall take effect and be in force from and after after its passage.

Approved February 27, 1882.

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CHAPTER 314.

AN ACT to amend an act, entitled "An act to incorporate the town of Brandenburg, in Meade county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to incorporate the town of Brandenburg, in Meade county," be, and the same is hereby, amended by supplementing to section seven the words "or published in the county paper."

§ 2. That section twenty-six be, and the same is hereby, amended by striking out the word "two," in the sixth line, between the words "of" and "dollars," and inserting in lieu thereof the word "one."

§ 3. The trustees are hereby given such power as will enable them to rent the Brandenburg wharf for the term of one or five years, and the further power to repair same.

§ 4. This act shall take effect from its passage.

Approved February 27, 1882.

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CHAPTER 315.

AN ACT for the benefit of the Dexter and Lowell Turnpike Road Company, in Mason county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter S. E. Mastin, Louisiana Owens, Alfred Gibbs, Sanford Gibbs, Gilpin Gibbs, Henry Gibbs, Denis Gibbs, Isaac Woodland, John Chandler, Leonard Taylor, Henry Wadsworth, James Rees, John Rees, Mary E. Rees, Betsy Mastin, or any person who may hereafter own any farm belonging to any of the above named persons, or reside on them as tenants, shall hereafter work out their road tax upon the Dexter and Lowell Turnpike Road, in Mason coun-

ty, to assist in keeping it in repair under the superintendence of the president of said company.

§ 2. It shall be the duty of the president to give at least three days' notice to each of said persons owing tax or labor on said road of his intention to work the same; and upon the failure of such persons so notified to attend and work out their road tax, the president of said road may sue for and recover the same in any court having jurisdiction of the amount, and shall appropriate the same so collected to repairing said turnpike road; and said persons shall be released from all other road tax, and from working on any road or roads.

§ 3. This act shall be in force from its passage.

Approved February 27, 1882.

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#### CHAPTER 316.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Ducker Station, Woodford county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for the county court of Woodford county, or any person, to grant license to any person or persons to sell spirituous, vinous, or malt liquors, or a mixture thereof, in any quantity, within one mile of Ducker Station, on the Louisville, Cincinnati and Lexington Railroad; and any person who shall sell spirituous, vinous, or malt liquors, or a mixture thereof, in the district named, shall be fined in the sum of fifty (\$50) dollars for each offense in any court of competent jurisdiction.

§ 2. This act shall take effect from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 317.

AN ACT to amend an act, entitled "An act incorporating the Supreme Lodge of the Knights of Honor," approved March 20, 1876.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act incorporating the Supreme Lodge of the Knights of Honor," be, and same is

hereby, amended as follows, to-wit: By inserting after the word "annual," and before the word "meeting," in the fourth section of said act, and as part thereof, these words, to-wit: "or biennial."

§ 2. This act shall take effect from and after its approval by the said Supreme Lodge.

Approved February 27, 1882.

# CHAPTER 318.

AN ACT for the benefit of certain citizens of Boyle county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the people living in a certain district of Boyle county bounded as follows to-wit: Beginning at the town of Parksville, situate on the Knoxville Branch of the Louisville and Nashville Railroad, and running south to the Casey county line; thence with the line of said county to its intersection with the Marion county line; thence with the line of said county to its intersection with the said railroad; thence with said road to the beginning, be, and the same are hereby, exempted from all pains and penalties for the violation of all laws heretofore enacted for the protection of squirrels and fish within the boundaries aforesaid.

§ 2. This act to take effect from its passage.

Approved February 27, 1882.

# CHAPTER 320.

AN ACT for the benefit of common school district number seventeen, in Bourbon county.

WHEREAS, The school building for common school district number seventeen, in Bourbon county, was destroyed by fire during the school year ending June 30, 1881, and by reason thereof no school was taught in said district during said year; and whereas, the sum of \$146.47, the amount due said district for the said school year, was returned by the school commissioner of Bourbon county to the State Treasury, and never received by said district; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sum of one hundred and forty-six dollars and forty-seven cents (\$146.47), the amount due said common

school district for the year ending June 30, 1881, be, and the same is hereby, appropriated to and for the purpose of teaching a common school in said district for five extra months, to be paid from the interest accruing from the Bourbon county surplus bonds, and out of any surplus which may be due said county for the school years ending June 30, 1882, and June 30, 1883. The Superintendent of Public Instruction is hereby authorized and directed to draw his warrant on the Auditor in favor of the school commissioner of Bourbon county for said sum of \$146.47, whenever said commissioner may report to said Superintendent that said school has been taught for said extra term, to be paid by him to the teacher for said term.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 321.

AN ACT for the benefit of S. L. Chevis.

WHEREAS, S. L. Chevis claims that the State of Kentucky is indebted to him in the sum of \$——, balance due him for work and material done and furnished on the Eastern Lunatic Asylum at Lexington, Kentucky, and it also appearing that the two commissions heretofore appointed by acts of this General Assembly settled said claims of said Chevis disagree as to the amount due him ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That jurisdiction is hereby now conferred upon the Franklin circuit court to entertain and adjudicate any suit that may be brought by the said S. L. Chevis against the Commonwealth of Kentucky in regard to said claim and a settlement thereof, under the same rules governing other litigants in said court, with the right of appeal to either of said parties from the judgments and rulings of said court to the Court of Appeals ; and the service of any summons, notice, rule, or other paper necessary to be served upon the Commonwealth of Kentucky as party to any such suit, may be had by executing the same upon the Attorney General of the State.

§ 2. That whenever it shall be made to appear to the Auditor of Public Accounts that any such cause as is provided for in the first section of this act has been finally adjudicated and settled by the judgment of the Franklin circuit court, or of the Court of Appeals, if an appeal should be taken by either party, it shall be, and is hereby, made the duty of said Auditor to draw his warrant on the Treasurer in favor of said S. L. Chevis for whatever sum, if any, may be adjudged in his favor against the Commonwealth, with interest and costs, according to the judgment in the case, and such sum shall be immediately paid out of any money in the Treasury not otherwise appropriated: *Provided*, This act shall not be construed to be an admission that the State is indebted to said Chevis in any sum whatever.

§ 3. This act shall take effect from and after its passage.

Approved February 27, 1882.

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#### CHAPTER 322.

AN ACT to legalize the action of the Clark county court with reference to the Kentucky Central Railroad extension.

WHEREAS, The Clark county court, on the 19th day of August, 1881 (only two out of the twelve justices opposing the same), in order to keep the terms of an agreement made with the Kentucky Central Railroad Company by a representative committee of the citizens of said county, whereby said company was induced to refrain from asking for a subscription to its capital stock, or a grant of the right of way by said county as a condition precedent to the location of said railroad's extension through said county in consideration of release from taxes on the part of said county for a period of twenty years, did make an order, now of record in the clerk's office of said court, and of full force and effect, by the terms of which the taxes leviable for county purposes in said county on the property of said company within said county, during the period of twenty years from said date, were donated to said company, and said company was released from the payment of said taxes for said term; and whereas, said court in said order requested the General Assembly to legalize the aforesaid action, and make said order valid; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That in accordance with the foregoing request of the Clark county court, the aforesaid action of said court is ratified, and said company, for the reason aforesaid, is released and acquitted from the payment of taxes leviable for county purposes in said county on the property of said company within said county for a period of twenty years from August 19th, 1881.

§ 2. This act shall be in force from and after its passage.

Approved February 27, 1882.

#### CHAPTER 323.

AN ACT to fix the time of holding the court of claims of Warren county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the regular annual session of the court of claims of Warren county shall hereafter commence on the fourth Monday in September.

§ 2. All laws in conflict herewith are hereby repealed.

§ 3. This act to take effect from its passage.

Approved February 27, 1882.

#### CHAPTER 325.

AN ACT for the benefit of common school district No. 44, Marion county.

WHEREAS, The commissioner of common schools for Marion county, in his census report to the Superintendent of Public Instruction, omitted, by mistake, ten children of pupil age from the census report of the trustees of common school district No. 44, for the school year ending June 30th, 1881; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That commissioner of common schools for Marion county be, and he is hereby, authorized to draw his draft, for the benefit of the teacher of said district for the school year aforesaid, on the Auditor of Public Accounts for the sum of fifteen dollars (\$15), which draft, when countersigned by the Superintendent of Public Instruction, shall entitle commis-



sioner to a warrant on the Treasurer for said amount, to be paid out of the interest accruing from the Marion county surplus school bond for the school year ending June 30th, 1882.

§ 2. This act shall take effect from the date of its passage.

Approved February 27, 1882.

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CHAPTER 326.

AN ACT to prevent the sale of spirituous, vinous, and malt liquors within one mile of Gradyville, Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors, or any mixture of either, in any quantity, within one mile of Wilmores & Kemp's store-house, in Gradyville, Adair county, Kentucky.

§ 2. If any person shall violate the provisions of the first section of this act, such person, on conviction thereof by indictment and trial in the circuit court of said county, be fined the sum of twenty dollars for each and every offense.

§ 3. This act shall be in force from and after its passage.

Approved February 27, 1882.

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CHAPTER 327.

AN ACT to prohibit the sale or giving or loaning of spirituous, vinous, or malt liquors within one mile and a quarter of Milltown Church, Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to sell, give, or loan spirituous, vinous, or malt liquors, or mixture of either, within one mile and a quarter of Milltown Church, Adair county.

§ 2. If any person violate this act, such person shall, upon conviction before any court of competent jurisdiction, be fined in any sum of not less than twenty dollars and not exceeding fifty dollars for each offense.

§ 3. This act shall take effect and be in force from and after the first day of May next.

Approved February 27, 1882.

## CHAPTER 328.

AN ACT to prevent the donation, barter, or sale of spirituous, vinous, or malt liquors within two miles of Locust Grove Church, in Calloway county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person to donate, barter, or sell spirituous, vinous, or malt liquors in any quantity within two miles of Locust Grove Church, in Calloway county, Kentucky.

Fine.

§ 2. Any person violating the provisions of the first section of this act shall be fined not less than twenty nor more than fifty dollars for each offense, to be recovered in any court of competent jurisdiction.

§ 3. This act shall take effect from and after its passage.

Approved February 27, 1883.

## CHAPTER 329.

AN ACT to incorporate the Monticello and Burnside Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Style.

§ 1. That a company, to be known by the name and style of the Monticello and Burnside Turnpike Company, be, and is hereby, incorporated and created a body-politic, with perpetual succession, for the purpose of constructing and operating a macadamized or gravel road from Monticello, in the county of Wayne, to Burnside, in the county of Pulaski, with all the powers, privileges, and franchises which are now or may hereafter be granted to similar corporations under the general laws of the State of Kentucky, and such other special powers, privileges, and franchises as are herein granted.

Capital stock.

§ 2. The capital stock of said company shall be limited to fifty thousand dollars, to be divided into shares of one hundred dollars each, or fractions thereof, according to the amounts subscribed or issued.

Votes.

§ 3. Stockholders shall be entitled to one vote for each share of stock held by them respectively, and in that proportion for each fraction of share so held.

Commissioners.

§ 4. That Leander J. Stephenson, I. Knox Frazer, Richard Burnett, John F. West, James B. Lanier, John N. Brown, F.

S. Wallace, and R. H. Forman be, and are hereby, appointed commissioners to open books and receive subscriptions of stock in said company, at such times and places as any three or more of them shall deem expedient; and when there shall be as much as five thousand dollars subscribed, said commissioners, or any five of them, shall call a meeting of the subscribers of stock by a general public notice for ten days before the day of meeting, at a time and place to be specified in the notice, when the subscribers of stock shall proceed, in proper person or by written proxy, to choose five directors, in whom and in whose successors shall be vested forever all the corporate powers herein granted.

§ 5. The persons thus chosen as directors, after having been duly sworn to faithfully discharge their duties as such, shall choose one of their number to be president of the board, and they shall hold their offices until the first Saturday in January following, and until their successors shall be duly elected and qualified. President.

§ 6. Succeeding boards of directors shall be elected at the principal office of said company on the first Saturday in January in each year; but if any such election is not held, then at such time thereafter as the board holding over may designate, and of which general public notice shall have been given to the stockholders for ten days previous thereto. A majority of the stockholders representing more than half the stock issued by said company shall constitute a quorum for the election of a board of directors. Elections.

§ 7. The president of the board of directors shall have power to fill vacancies in the board by appointment; and in the event of a vacancy in the presidency, any three members of the board may meet and elect some member of the board to fill such vacancy. Vacancies.

§ 8. The board of directors shall annually elect a treasurer and agent, and may require bond of both or either. All moneys collected by any one for said company shall be paid at once to the treasurer, unless otherwise ordered by the board of directors. The duties of the agent shall be to keep the books and papers of the company (which shall at all times be open to the inspection of any stockholder or other person interested therein), and to attend to such business affairs of the company as the board of directors may order, for which services a reasonable allowance shall be made by Treasurer.

Vacancy.

the board. Vacancies in the office of treasurer or agent shall be filled by the board of directors.

§ 9. The certificate of the officer, who may administer the oath of office to the members of the board of directors, shall be filed and kept with the papers of the company.

§ 10. Said company may acquire, by purchase or condemnation, as provided by law, a right of way for their road upon any reasonable line they may choose between the aforesaid terminal points, not exceeding forty feet in width.

Powers.

§ 11. Said company shall have power and authority to purchase any turnpike road, or any part of any turnpike road, which may have been or may hereafter be constructed along any route it may adopt between the terminal points aforesaid, with all the rights and franchises pertaining thereto, in which case all the rights, powers, and franchises herein granted shall extend over the road and route thus acquired, including the right to alter and adjust the same, as in case of original adoption and construction.

§ 12. Said company shall have the power to open and maintain, or consent to the opening and maintaining, of any lateral road or passway connecting any two points of its adopted or purchased route: *Provided*, That no greater or less amount of toll shall be charged to persons who may travel such connecting lateral road, in part, than if the purchased or adopted route had been traveled the whole way between the two points of connection: *And further provided*, That the operation of this section shall be construed with reference to the option or convenience of the neighborhood or general travel, and as a means of obviating the restrictions now imposed by law upon lateral roads rather than as a benefit to said company.

§ 13. Said company shall have the right to acquire, by purchase or otherwise, any existing ferry over the South Fork of Cumberland river, or establish another ferry in the manner provided by law, not inconsistent with any existing ferry privileges and franchises; and may acquire and hold title to suitable landings; and exercise all the rights, privileges, and franchises pertaining to an established ferry, upon such terms as are now or may hereafter be provided by the general laws of the State of Kentucky.

§ 14. Said company is hereby empowered and authorized  
May issue bonds. to issue its bonds in such sums as it may deem proper, to any

amount not exceeding the sum of six thousand dollars in the aggregate, to run for any time or times not exceeding ten years, at a rate of interest not exceeding six per centum per annum; and may sell the same upon such terms as the board of directors may order, for the purpose of raising funds for the construction or repair of its road or toll-houses; and the board of directors may, in its discretion, secure the payment of said bonds by mortgage upon the road, toll-houses, and lots and franchises of said company.

§ 15. This act shall take effect from its passage.

Approved February 27, 1882.

### CHAPTER 330.

AN ACT to incorporate the Paducah Real Estate and Banking Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established a Real Estate and Banking Company in the city of Paducah, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed for and paid for as hereinafter specified; and the subscribers and their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of the Paducah Real Estate and Banking Company; and shall be capable in law of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatsoever. It may have a common seal, and change and renew the same at pleasure.

Style.

Capital stock.

§ 2. Said company shall be under the control and direction of three directors, each [one] of whom shall be a stockholder. They shall be residents of this State, and after the first election shall be elected annually on the first Monday in January in each year, and hold their office until their successors are elected and qualified. In voting for directors, each share of stock shall entitle the holder to one vote, to be cast in person or by proxy. The three stockholders receiving a majority of all the votes cast shall be declared elected directors. If, on the first ballot, there should not be three elected, the ones receiving the lowest number of votes shall be dropped and new balloting had until three are

Directors.

elected. In holding said election, stock that may have been transferred within thirty days last past shall not be represented, and a majority of the remaining stock votes cast will be sufficient to elect. Said directors shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the company, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable, or said directors may do and perform all or any part of the business of said company themselves. The directors shall have power to pay the president such sum or sums for his services as they may think proper and right. The stock shall be deemed personal property, and shall be transferable according to such rules as the board of directors shall, from time to time, establish.

§ 3. B. H. Milliken, John T. Milliken, and Rhey Boyd  
Commissioners. are hereby appointed commissioners, any one of whom may open books and receive subscription for the capital stock; and when one hundred shares of stock shall have been subscribed for, it shall be their duty to give notice in one or more daily papers published in said city of Paducah, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election. The payment for the shares shall be made as follows: Thirty dollars on each share at the time of subscribing, and the residue, subject to the call of the board of directors, payable in calls as they may direct, after ten days' notice of such call, published in some daily newspaper published in the city of Paducah; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some daily newspaper in said city for thirty days, the directors may recover the same by due process of law. Said corporation may commence business so soon as

ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice.

§ 4. The said corporation may acquire and hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, judgment, and in satisfaction of any debt, judgment, or decree, or otherwise purchased, and sell and convey the same at public or private sale; and the board of directors may make such by-laws as they deem necessary: *Provided*, That the same be not contrary to the Constitution and laws of this State or of the United States.

§ 5. Said corporation shall have power to make advances on approved securities, and upon the agricultural and other products of the country or other property. It may receive bonds, stock, merchandise, or other property in pledge for security for money loaned or debts owing, United States vouchers, certificates, or bonds of indebtedness, or bonds of the State of Kentucky, and sell the same on the non-payment of the debt or demand, as is provided in the fourth section of this act and by due process of law.

§ 6. It shall not be lawful for said company to issue any note or bill to be passed or used as money, nor charge any higher rate of interest than that allowed by the laws of this State.

§ 7. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 8. The cashier of said company shall, at least once in each year, make under oath a full statement of the assets and liabilities of said company, and publish the same in some newspaper published in the city of Paducah.

§ 9. The indebtedness of said company, over and above that incurred for deposits, shall at no time exceed its cash paid-up capital.

§ 10. This act shall take effect from its passage, and continue in force forty years: *Provided*, Said company is organized within two years from its passage; if not so organized within the time above specified, this act shall be void: *And provided further*, That the Legislature retains the right to

alter, amend, or repeal this charter at any time they may deem proper, and said charter shall not extend beyond the period of thirty years.

Approved February 27, 1882.

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### CHAPTER 331.

AN ACT to re-incorporate the town of Washington, in Mason county.

WHEREAS, The charter of the town of Washington, and the acts amendatory thereto, have, by reason of the changed condition of affairs, become to a great extent obsolete and nugatory; and said town has been for many years without the rights and privileges of corporate government; and it is represented to us that, for the better security of life and property, the preservation of the peace and order of the community, and the enforcement of the laws, a form of municipal government is needed by the citizens of said town; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary. § 1. That the said town of Washington be, and the same hereby is, re-incorporated; and the boundaries and limits of said town shall be the same heretofore prescribed by the original charter and its amendments, and laid off and described in the plats of said town recorded in the Mason county court clerk's office.

Trustees. § 2. That John Lasubrooke, R. R. Maltby, Jas. Smithers, James Marshall, George Taylor, and H. D. Knight are hereby appointed trustees of said town, who shall hold their offices until the first Monday in December, 1883, and until their successors are duly elected and qualified. The said trustees and their successors in office shall be a body-politic and corporate, and shall be known as "The Trustees of the Town of Washington;" and by that name shall have power to sue and be sued, to plead and be impleaded, in all the courts of the Commonwealth.

Election. § 3. There shall be on the first Monday in December, 1883, and every two years thereafter, an election held by the persons qualified as hereinafter mentioned for six trustees, who shall be residents of the town, and qualified voters thereof, as hereinafter mentioned, and shall hold their offices for two



years, and until their successors are duly elected and qualified. Any vacancy which may occur in the board of trustees may be filled by the board until their next regular election. The trustees, before they enter upon the duties of their offices, shall take an oath before the county judge or some justice of the peace of Mason county faithfully to discharge their duties.

§ 4. No person shall vote at an election for trustees, unless Voter.  
he be a citizen of the State, twenty-one years of age, and shall have been a resident of the town six months before the election at which he offers to vote.

§ 5. Said election shall be held after ten days' notice posted Notice.  
up by the clerk in three conspicuous places in said town, at such accessible place as may be appointed by the board of trustees; and the chairman of the board, together with the nearest magistrate of the county, shall constitute the board of supervisors of said election, together with the clerk of the board of trustees, who shall be the clerk of the election; and these three shall hear and termine the qualifications of voters. The six eligible persons voted for receiving the highest number of votes shall constitute the board of trustees for the ensuing term. The poll-books shall be signed by the supervisors and delivered to the clerk, who shall file them with the archives of the town. The clerk shall notify, in writing, the persons elected as trustees, and they shall qualify within twenty days after their election.

§ 6. Any four of said trustees shall constitute a quorum Quorum.  
for business; they shall elect one of their number chairman, who shall preside over their deliberations when convened, and shall call meetings of the board whenever he may deem it necessary. There shall be regular monthly meetings of the board at such times as may be fixed by the by-laws.

§ 7. The said trustees shall have full power to make all Powers.  
necessary by-laws and pass ordinances for the good of the town not inconsistent with the laws and Constitution of this State, and may fix adequate penalties for the violation of such ordinances, not exceeding a fine of fifty dollars and imprisonment for thirty days for the violation of any one ordinance: *Provided*, No ordinance shall take effect until a copy thereof shall have been posted up by the clerk for ten days in three conspicuous places in the town. Said trustees shall have

power to license and to tax all shows, exhibitions, circuses, menageries, suppers, concerts, fairs, festivals, or other entertainments held in said town (except by schools or churches), at which an admission fee is charged or eatables or other things sold, such reasonable rates as they may fix by ordinance, not exceeding ten dollars for and one exhibition or entertainment, for any one day or night, to be paid by the managers or getters-up thereof.

Tax.

§ 8. They shall have power to levy and collect, upon the real and personal property in said town subject to taxation under the laws of this State, not exceeding fifty cents on each hundred dollars' worth of property annually, and may assess a poll-tax not exceeding one dollar and fifty cents annually, upon each tithe in the town, which taxes shall be applied to the improvement of the streets, alleys, roads, and drainage of the town, and to its other usual and necessary expenses: *Provided*, That such lands within the corporation limits as are used for agricultural purposes shall not be taxed for general town purposes, but they may be taxed at a rate not exceeding ten cents on the hundred dollars for the improvement of roads, walks, and the drainage of the town. Said trustees shall, for the use of the town, take possession of all buildings or property now owned by said town or held in trust by it, and they shall have power to purchase, acquire, and hold by deed, gift, or lease, any lot or lots or parcels of land, building or buildings, necessary for the use of the town, and may lease or erect a good and sufficient building to be used as a lock-up for said town, for the confinement of persons convicted in the mayor's court, or for the safe-keeping of drunken and disorderly persons or other lawful prisoners.

Clerk.

§ 9. The said trustees shall appoint a town clerk, who may be one of their number, who shall have charge of all the books, bonds, and papers belonging to the town, and shall safely keep them; who shall attend the meetings of the board, record all their proceedings, and perform such other duties as may be enjoined upon him by the by-laws. They shall appoint a treasurer, whose duty it shall be to receive, receipt for, and take charge of all moneys belonging to the town, and pay them out upon the order of the board; he shall keep an account of all his receipts and disbursements, and shall report once a month to the board the condition of the finances of the corporation. The clerk and treasurer

Treasurer.

shall give bond with sufficient security, to be approved by the Bond. board, for the faithful performance of their respective duties, and upon default or violation of said bond, suit may be brought against the officer and his sureties in any court having jurisdiction thereof. Said officers shall hold their offices two years from the time they are appointed, but may be removed for cause at any time at the pleasure of the board, and others appointed in their places, and they shall, upon the expiration of their term of office, or upon the appointment of their successors, deliver up to such successors all the books, papers, and property of the corporation, of any kind whatever, that may be in their hands.

§ 10. The chairman of the board shall be *ex officio* the Mayor. mayor of the town, and shall be commissioned as such by the Governor of the State, upon his election being certified to the Governor by the clerk of the board of trustees. He shall hold his office for two years, and till his successor shall have been duly elected and qualified. Before entering upon the duties of his office, he shall take an oath faithfully to perform them, and the constitutional oath required of the magistrates of the county; and this oath shall, by the person administering it, be indorsed upon the mayor's commission, together with the date thereof, and the same shall be filed with the town clerk. Jurisdiction. The mayor shall have no civil jurisdiction, but shall, within the limits of the town of Washington, have the same criminal and penal jurisdiction that a justice of the peace of Mason county now has, and such other jurisdiction as is herein conferred upon him. He shall be a conservator of the peace, and shall have exclusive jurisdiction of all violations of the ordinances of the town. He shall have exclusive jurisdiction within the limits of the town of all riots, routs, breaches of the peace, assaults, batteries, disorderly or indecent conduct, disturbance of religious worship, or public meetings or entertainments; over offenses of keeping disorderly houses, bawdy-houses, and nuisances; over all cases of drunkenness, obscene language, profane swearing, running horses, violations of the Sabbath, firing guns or pistols, blowing horns, ringing bells, making loud or unseemly noises by day or night, and all other disorderly conduct calculated to disturb the peace and dignity of the town; and where such offenses are not provided for in the ordinances of the town, he may impose such fines and penalties as he may

deem proper, not exceeding the fines and penalties prescribed by the general laws of the State; and where the penalty is a fine of more than twenty dollars, he shall, upon the application of the defendant, cause the intervention of a jury to decide the case. The warrants of the mayor shall run in the name of the Commonwealth of Kentucky, and shall be directed to the marshal of the town, or in his absence to any sheriff or constable of Mason county; and for all offenses committed in his presence, in violation of the ordinances of the town, or the laws of the State, he shall have power to arrest, or cause to be arrested, the offender, and proceed with him to trial without the formality of a writ or warrant, and may proceed to the trial of offenders brought before him by the marshal or other officers without the usual writ or warrant. He shall have power to summon juries, issue subpoenas, and to compel the attendance of witnesses by the usual processes of law. He may fine for contempt in any sum not exceeding five dollars, and imprison for not exceeding thirty days. He may require of offenders security to keep the peace, and require of them bond for their appearance at the next term of the Mason circuit court; and upon their failure to give such bond, may commit them to the jail of Mason county until said court. He may cause the arrest of all suspected persons, and may hold an examining court.

§ 11. The mayor's court shall be always open for the hearing and determining of such criminal and penal cases as are within its jurisdiction. It shall be a court of record, and the mayor shall keep a regular docket and record of his judgments and proceedings, and a transcript therefrom, when certified by him, shall be received as evidence in all the courts of the State. Appeals may be had from the final judgments of the mayor's court as they are now had from courts of the justices of the peace in Mason county to the quarterly or circuit courts as is provided by law. Persons fined in the mayor's court may replevy their fines by giving bond for three months for the fine and costs, as is done in magistrates' courts; and the mayor shall have the same power to collect his fines, and to issue therefor execution or a *capias pro fine*, as is now by law given to the magistrates of Mason county.

§ 12. If any one against whom a fine or penalty is assessed by the mayor shall fail to pay or replevy the same, together with the costs of the proceedings, he shall have authority to

direct the confinement of such person in the town lock-up, or if there be no lock-up, then in the jail of Mason county, until such fine and costs be paid, at the rate of one dollar a day for each day's confinement; and the written statement of the mayor shall be sufficient authority to the jailer of Mason county for the confinement of such person, or the mayor may, at his discretion, direct such person to be placed at hard labor upon any of the streets and alleys of said town, or at any other fitting work in said town, for such a time, not exceeding ten hours in any one day, until the fine and costs are paid, at the rate of one dollar per day; and while at such labor the prisoner shall be under the control of the marshal, or other suitable person, to be designated by the mayor, and may be securely fastened to a chain and ball of not exceeding fifty pounds in weight; and while not at labor, the prisoner shall be confined in such safe place as may have been designated by the board of trustees for such purposes, and such confinement shall be as lawful as if in the jail of Mason county; and if any prisoner shall escape or break away from such labor or confinement, the unexpired time of his sentence shall be doubled. The mayor shall be the clerk of his own court, and shall receive the same fees for like services as are now allowed by law to the mayor of the city of Maysville, and such other compensation as may be allowed him by the board of trustees of the town. In the absence of the mayor any justice of the peace resident in the town may act in his place; and in the case of a vacancy in the office, the trustees shall at once appoint a new mayor for the unexpired term, who shall be commissioned and qualified as such as is hereinbefore provided.

§ 13. All fines, penalties, and forfeitures assessed by the mayor and collected for a violation of the by-laws and ordinances of the town, or for the violation of the penal laws of the Commonwealth, for offenses committed within the boundaries of the town of Washington, shall, when collected, be paid over to the treasurer of said town, and shall form a part of the revenue of the town, and shall be applied by the board of trustees as is the revenue derived from the general tax in said town.

§ 14. The board of trustees shall appoint a marshal for said town, and after the first Monday in December, 1883, he shall hold his office for two years, and until his successor is

Marshal.

duly appointed and qualified; but he may be removed for cause at any time at the pleasure of the board, and another person appointed in his stead. Before entering upon the duties of his office, the marshal shall take an oath faithfully to perform the same, and the oath required of the constables of Mason county. He shall also execute bond, with sufficient security, to be approved by the board, for the faithful performance of his duties, and especially that he will pay over to the treasurer all money coming to his hands that may belong to the town; and for default or violation of his bond, suit may be brought against him and his securities in any court having jurisdiction thereof.

Duty.

§ 15. It shall be the special duty of the marshal to serve all notices handed him by the town clerk, and to execute all warrants, writs, and processes directed to him by the mayor of the town, which may be issued for the arrest of persons for the violation of the ordinances of the town or the penal or criminal laws of the State; and in all such cases he may execute original and final process in any part of the county. He shall act at all times as a policeman of the town, and shall take care to arrest all persons violating any of the ordinances of the town or penal or criminal laws of the State, and take them immediately before the mayor of the town, to be dealt with according to law; and when an offense is committed, or about to be committed in his presence, he may arrest the offender or offenders without warrant; and in making an arrest, with or without warrant, he may summon to his assistance any citizen of the county who may be present, and shall report any one refusing to assist him when so summoned to the mayor; and any such person, on conviction thereof, shall be fined by the mayor in any sum not exceeding ten dollars.

§ 16. The marshal shall collect all fines due the town, and shall, within ten days after the receipt of same, pay the same over to the treasurer, taking his receipt therefor; he shall have the custody of all prisoners placed in his hands by the orders of the mayor, and shall safely keep them, or deliver them to the jailer of Mason county, when so directed, and shall be liable on his official bond for the escape of such persons.

Compensation.

§ 17. The marshal of the town of Washington shall receive the same fees for like services as are now allowed by law to

the marshal of the city of Maysville, and such other compensation as may be allowed by the board of trustees.

§ 18. Upon special occasions, and when the emergency demands it, the board of trustees may, upon the recommendation of the marshal or mayor, appoint suitable persons to act as deputy or assistant marshals; these persons so appointed shall, before entering upon the duties of their office, receive a certificate of appointment from the town clerk, and having taken an oath to perform faithfully the duties of their office, shall have, for the time of their appointment, the same powers and authorities as the marshal of the town, and shall be paid for their services such compensation per diem as may be determined by the board of trustees.

Assistant marshals.

§ 19. Any person who shall resist the marshal, or his legally authorized deputies or assistants, in the performance of their duties, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as offenders are punished for resisting the authority of the constables and sheriffs of Mason county.

§ 20. The marshal of Washington shall be *ex officio* the assessor and collector of said town, and shall, when required by the board of trustees, return to them a list of the taxable property, real and personal, within the limits of said town, its value, and by whom owned, and in making such list he may administer an oath to persons listing property as is done by the county assessor.

§ 21. It shall be the duty of the marshal to collect all such property, taxes, and poll-taxes as shall be levied by the trustees of the town and placed in his hands for collection, and he shall have the same authority to levy upon and sell property for the collection of said taxes as is now granted by law to the sheriff of Mason county in the collection of county taxes, subject to such modifications as may be made by the trustees in the by-laws of the town.

§ 22. The marshal shall faithfully account for and pay over to the treasurer all such taxes, property or poll, as may come into his hands as collector of said town within ten days after the collection thereof, and for his failure to do so, shall be liable on his official bond. He shall make a monthly report to the board of all fines, forfeitures, taxes, and other moneys collected for the town by him, and for his services as

assessor and collector shall receive such compensation as may be determined by the board of trustees.

**Tax.** § 23. The board of trustees may, in their discretion, levy a tax upon the dogs or bitches, over one in number, belonging to any resident of the town: *Provided*, Such tax shall not exceed \$2.50 on a dog, nor \$5 on a bitch, and may require the marshal to collect from the owners of such dogs and bitches the tax so levied. He shall pay the same over to the treasurer as the other taxes are directed to be paid; and if any such owner ~~shall~~ refuse to pay the tax levied upon such dog or bitch, it shall be the duty of the marshal to kill the same, and for each dog or bitch so killed he shall receive the sum of fifty cents, to be paid by the town.

**Bond.** § 24. The marshal of the town of Washington may, at his discretion, in addition to his bond as marshal, execute to the county court of Mason county a bond as now required by constables of said county, and take the oath required by said officers, and upon so doing he shall have all the powers, rights, and authority of, and shall perform the duties required by, a constable of Mason county, and may serve all writs and processes of any kind, civil or criminal, directed to him by any court in Mason county, as fully as the constable of the precinct in which the town of Washington is located might do; and for such services he shall receive the same fees now allowed by law to the constables of Mason county.

**Compensation.**

§ 25. All general laws relating to corporate towns, and not inconsistent with the provisions of this charter, shall apply to the town of Washington.

§ 26. This charter shall go into effect and be of full force from and after its passage, and shall thereafter be the charter of the town of Washington; and all acts and parts of acts heretofore enacted, conflicting with this act or any provision thereof, are hereby repealed.

Approved February 27, 1882.

## CHAPTER 332.

AN AOT to incorporate the Fourth Avenue Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

**Style.** § 1. That a corporation is hereby created, under the name and style of the Fourth Avenue Turnpike Company, the



trustees of which are hereby declared to be as follows, viz: W. H. Dulaney, Jacob Krieger, sr., J. E. Mooney, J. D. O'Leary, John Caperton, C. W. Kelly, Stephen E. Jones, and Eli P. Farmer, and by said name and style said corporation shall have power to contract and be contracted with, sue and be sued, implead and be impleaded; to have and to use a common seal, which they may alter at pleasure, and do all other acts which such bodies corporate may do, not inconsistent with the general laws of the State, or which may be necessary or fit to enable said corporation to exercise the powers hereinafter granted. Corporators.

§ 2. Said corporation is hereby authorized to construct a turnpike or macadamized road from a point to be selected by them at or near which Fourth Avenue of said city, if extended, would deflect from the present road leading south from said city out by the House of Refuge, and west of the Zoological Gardens or Fair Association grounds, and from such point running thence with or near the line of Fourth Avenue extended to a point at or near what is known as Cox's Knob; thence around and east of said Knob to a point on J. D. O'Leary's land, near Gerkins, about eight and one half miles from the beginning, selecting the easiest grade for ascending the hills on to the Bullitt county line; thence by the most convenient route, to be selected by the company, via Pitt's Point, to Hardin county. Purposes.

§ 3. Said company may locate said road, and such branches as they deem expedient, in Jefferson county, and may purchase or consolidate with other turnpike companies.

§ 4. The capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each. Capital stock.

§ 5. The width of said road shall not exceed one hundred feet, nor be less than forty feet at any one point.

§ 6. Said company may set apart such portion of the first eight and one half miles of said road nearest Louisville as they deem best as a pleasure or summer drive: *Provided, only,* They shall leave room enough for the turnpike alongside thereof.

§ 7. Said company shall elect a president, secretary, and treasurer, and such other officers as it chooses, and keep a record of its proceedings, and may require a bond, in such sums as the trustees or its board of directors may fix, of any Officers.

By-laws.

of its officers, and may make and alter at pleasure by-laws or rules for its government.

§ 8. So soon as eight thousand dollars (\$8,000) of stock in said corporation is taken, said company may organize and elect its board of directors, who may make such assessments and calls on the subscriptions of stock as they see fit, and upon such notice as they may prescribe.

Tolls.

§ 9. The tolls upon said road and its branches shall not exceed those provided for in the General Statutes, and it may erect a gate and collect tolls so soon as two and one half miles of said road is completed; but the tolls shall be proportioned to the length of said road as completed from time to time.

§ 10. Said corporation shall have the right to take and receive subscriptions to its stock, donations of the right of way, quarries, leases or releases of land, for any of the purposes of said road; to own, by purchase or otherwise, real estate for the purposes of said road; to erect toll-houses and gates; to purchase property, real, personal, and mixed, for said purposes, and to enable it to build the road hereinbefore provided for, and it shall have all the rights to the writs of *ad quod damnum* as allowed by the General Statutes, chapter 110.

§ 11. Any one willfully injuring the property of said road, or unnecessarily driving heavy wagons or loaded vehicles over any portion of said road which may be set apart for summer or pleasure driving only, shall be fined not less than five dollars nor more than twenty dollars: *Provided, however,* Said company shall keep the line of turnpike alongside of said summer or pleasure drive always open and in good condition, and shall keep duly posted at each end of said drive, and at all incoming roads along said drive, proper notices of said reservations.

Toll-gate.

§ 12. No toll-gate shall be erected on said road nearer said city of Louisville than Dulaney, Moore and Bremaker's land.

Mortgage.

§ 13. Said company shall have the power to mortgage its road-bed, property and franchises, or any or either, or any part thereof, for the purpose of building or extending said road or any of its branches.

§ 14. This act shall take effect from its passage.

Approved February 27, 1882.

## CHAPTER 333.

AN ACT to incorporate the Lexington Hydraulic and Manufacturing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Wm. Preston, R. H. S. Thompson, Gilbert H. King, and their present and future associates, their successors and assigns, be, and they are hereby, created a body-corporate and politic, by the name of the "President and Directors of the Lexington Hydraulic and Manufacturing Company," and are hereby ordained, constituted, and declared to be forever hereafter, a body-corporate and politic in fact and in name; and by that name they and their successors shall, and they may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and also, that they and their successors, by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of said corporation: *Provided*, That the real and personal estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Corporators.

Style.

Capital stock.

§ 2. That the capital stock of the said corporation shall be two hundred thousand dollars, and that a share in the said stock shall be one hundred dollars, and that subscriptions to the said capital stock shall be opened and kept open, under the direction of said president and directors, until the whole number of shares subscribed amount to two hundred shares, when the said president and directors may commence operation under this act, and may make thereafter, from time to time, such regulations concerning further subscriptions to stock as to them shall seem proper to enable the said company to enlarge or carry into operation their works; and especially as to when further subscriptions to the capital stock may be opened and made, and what amount of stock, from time to time, may be subscribed, until the whole or any part of said capital stock shall be subscribed.

## Meetings.

§ 3. That the directors shall have power to appoint the time and place of all meetings for the dispatch of business ; to appoint all such officers, agents, clerks, superintendents, and servants as they shall deem necessary for carrying into effect the powers by this act vested in said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents, clerks, superintendents, and servants.

§ 4. That it shall be lawful for the said company, and any person or persons employed by them or acting under their authority, to enter into and upon, and freely to make use of, for the sole purposes contemplated by this act, any land which may be necessary for the purpose of conducting a plentiful supply of pure, wholesome water to the said city for the use of the inhabitants of said city, and to supply reservoirs for extinguishing of fires. Said supply of water shall be obtained from the springs of water and lakes in and about said city. It shall be lawful for said corporation to erect any dam or other works when they shall deem proper for the purpose of raising the water of said springs, and to construct, dig, or cause to be opened any trenches for the conducting the water of said springs, and to raise and construct such dykes, mounds, or reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to said city of Lexington, and to agree with the owner or owners of any lands, tenements, or hereditaments that may be damaged or affected by any of the said operations for and about a reasonable compensation to be made to him, her, or them for such lands, tenements, or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she, or they, or any of them, may sustain, by the employing, diverting, or obstructing any such stream or streams, or using any such lands, or the cutting, laying, raising, or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dykes, or mounds as aforesaid ; but in case of any disagreement, or in case the owner of any such lands, tenements, or hereditaments shall be *feme covert*, under age, *non compos mentis*, or out of the State, then it shall be lawful for the judges of the circuit or county court, or court of common pleas of Fayette county, or any one of them, upon the application of either party, to empanel a jury to view, examine, and survey the said lands, ten-

ements, and hereditaments, and to estimate the injuries sustained as aforesaid, and to report thereupon to the said judge or judges without delay; and upon the coming of such reports, and the confirmation thereof by the said judge or judges, the said president, directors, and company shall pay to the said owners respectively the sums mentioned in such report, in full compensation for the said lands, tenements, and hereditaments, or for the injury sustained as aforesaid, as the case may be; and upon such payment, the property so taken and valued shall immediately thereupon vest in said company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for each term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the said judge or judges and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such case, then a deposit with the treasurer of the county of Fayette of the amount of money assessed as the valuation or damages in manner as aforesaid, together with a certified copy of the said report, shall be considered equivalent to a payment, or a tender thereof, to the person entitled to the same; and the treasurer of said county shall receive and keep account of all moneys so received into the said county treasury, and shall pay them to the parties entitled thereto, on the order of the said judge or judges, for said county; and such assessment of damages, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person or persons to whom damages were awarded in manner aforesaid, and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed in manner aforesaid. The said jury to be empaneled as viewers, and to appraise the damages as aforesaid, shall receive such compensation for their services as the said judge or judges may, in their discretion, deem proper and just, which shall be paid by the said company upon the order of the said judge or judges; and the said company, and all those who have acted under them, shall be acquitted from and freed from responsibility for or on account of any such injury.

Notice.

§ 5. Whenever application shall be made to the said judge or judges by either party to empanel a jury to view, examine, and survey the said premises as hereinbefore prescribed, for the purpose of ascertaining and assessing said damages, previous notice of such application shall be given to the owner or occupier of such premises, by personal service of such notice ten days before making such application, such notice to describe the lands, tenements, and hereditaments proposed to be taken by said company, or touching which damages are to be assessed, by the section or quarter section, or any other legal subdivision, or if in a city, by the section, block, or number of the lot, or by some suitable or proper description; and evidence of the service of notice, and of all proceedings, may be perpetuated in the manner now provided by law for the perpetuation of records.

§ 6. That it shall be lawful for the said company hereby incorporated, and for all and every person employed by or under them for the purposes contemplated by this act, from time to time, to enter upon any lands contiguous or near to said streams, fountains, aqueducts, dams, or other works, or the places which may be selected for and intended to be used and employed for the same, with carts, wagons, and other carriages, and beasts of draught and burthen, and all necessary tools and implements, both for executing and making and also for altering and repairing said works, or any of them, and to take and carry away timber, stone, gravel, sand, or earth from the same for the making, altering, or repairing of the said works, or any of them, subject always to the making compensation for all actual damages thereby occasioned, either by agreement of parties or in the mode hereinbefore prescribed.

By-laws.

§ 7. That it shall be lawful for the president and directors, of said company, from time to time, to make and establish such by-laws and ordinances as they think fit and proper, and as may be consistent with the Constitution and laws of this State and the United States, for conducting and managing the affairs of said company, and for conducting and preserving the said works, and every of them, and for conveying, employing, distributing, and disposing of the water so as to be conducted as aforesaid, and for carrying into effect all the objects and purposes of said corporation; and may also agree with the corporation of the said city of Lexington, the inhabi-

tants of said city, and others choosing to use or take said water, regarding the rates of which the same shall be paid for: *Provided*, That the said company shall, within two years from the passage of this act, furnish and continue, with no unreasonable delay, a supply of pure and wholesome water sufficient for the use of all such citizens dwelling in the said city as shall agree to take it on the terms to be demanded by said company; and in default whereof, the said corporation shall be dissolved.

§ 8. That it shall be lawful for said directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors, and company.

§ 9. That if any person or persons shall willfully do, or cause to be done, any act whatsoever whereby the said works, or any pipe, conduit, canal, water-courses, mound, plug, cock, reservoir, dyke, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of damages sustained by means of such offense or injury, to be recovered by such company, with costs of suit, in any of the courts of this State, which action shall in every instance be considered as transitory in its nature, and shall and may be triable in any county in this State where jurisdiction may now be legally entertained under the provision of the law regulating jurisdiction.

§ 10. This act shall be and remain in force for the term of sixty years from and after its passage; but the Legislature may at any time alter, amend, or repeal this act by a vote of majority of each branch thereof; but such alteration, amendment, or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the Legislature that there has been a violation by the company of some of the provisions of this act.

§ 11. The general meeting of the share-holders of said Lexington Hydraulic and Manufacturing Company may be called at any time in the intervals between the annual meetings by the president and directors, or a majority of them, or by share-holders owning at least one fourth of the whole

stock subscribed, upon giving twenty days' public notice of the time and place of holding the same, which shall be at the place where the principal office of said company is kept named in said advertisements; and when any such meetings are called by share-holders, the advertisement shall specify the objects of the call; and if at any such meeting a majority in value of share-holders are not present in person or by proxy, such meeting shall be adjourned from day to day without transacting business for any time not exceeding three days; and if within that time share-holders holding a majority in value of the stock shall not so attend, said meeting shall be dissolved.

Approved February 27, 1882.

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#### CHAPTER 334.

AN AOT to authorize the Owen county court to levy a tax and issue bonds for turnpike purposes in Owen county, Kentucky.

WHEREAS, The Owen county court has subscribed stock to the amount of seven hundred and fifty dollars for each mile to the following named turnpike roads, to be built and constructed in said county, viz: The Owenton and Grant County Line Turnpike Road Company, the Monterey and New Columbus Turnpike Road Company, the Monterey and Cedar Creek Turnpike Road Company, the Harrisburg and Lusby's Mills Turnpike Road Company, the New Liberty and Sparta Turnpike Road Company, the Lusby's Mills and Corinth Turnpike Road Company, the Cane's Branch and Truesville Turnpike Road Company, the Owenton and Monterey Turnpike Road Company (old subscription); and whereas, said court is desirous of an act enabling it to issue bonds and levy a tax for the payment of said subscription; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Owen county be, and it is hereby, authorized to issue the bonds of said county, not to exceed thirty-two thousand dollars, for the purpose of paying the stock subscribed by said court in the foregoing named turnpike companies.

§ 2. Said bonds shall bear interest at a rate not exceeding eight per cent. per annum, and shall be due and payable in



fifteen years, but redeemable at any time in the pleasure of the county court.

§ 3 They shall not be for a sum less than one hundred dollars each, shall be signed by the county judge, attested by the county court clerk, and stamped with the seal of the court. They shall be made payable to bearer and pass by delivery, and the interest shall be payable annually.

§ 4. It shall be the duty of the county judge to negotiate and sell said bonds, and appropriate the proceeds to the payment of the above subscriptions as they fall due. He shall keep a register in which he shall enter the date, amount, and maturity of each bond sold by him, and to whom the same has been sold, and which he shall, at the expiration of his duties under this act, file in the clerk's office of the county court: *Provided*, That before selling said bonds or any of them, said county judge shall enter into and give bond to the Owen county court, with good security, conditioned for the faithful discharge of his duties under this act, which bond shall be approved by the county court clerk, and filed in his said office.

§ 5. For the purpose of paying off said bonds, and to enable the county court to provide for the payment of the principal and interest of said bonds, as also of all other bonds heretofore authorized, it may levy an annual ad valorem tax of not exceeding fifty cents on each one hundred dollars' worth of taxable property in said county, which shall be collected and accounted for by the sheriff as all other taxes.

§ 6. The county court shall have power to make all orders necessary for carrying into effect and execution the provisions of this act. The county judge of said county is hereby authorized to issue bonds, under the same provisions and restrictions that the present bonds of said county were issued, and sell the same at not less than their par value in open market. The money or proceeds of the sale of same to be applied to the purchase of its present outstanding bonds: *Provided*, The bonds so issued shall bear a lower rate of interest than the bonds so redeemed.

§ 7. This act shall take effect and be in force from its passage.

Approved February 27, 1882.

## CHAPTER 335.

AN ACT to incorporate the Grant County Deposit Bank of Williamstown,  
in Grant county.

*Be it enacted by the General Assembly of the Commonwealth  
of Kentucky:*

Style.

§ 1. That there is hereby created and established in the town of Williamstown, Kentucky a deposit bank, which shall be a body-politic and corporate, by the name of Grant County Deposit Bank; and in this name shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and answer, in all courts and places as a natural person, and have a common seal, and alter or change the same at pleasure.

Capital stock.

§ 2. That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of twenty-five dollars, and may be increased, if deemed advisable by the directors, to one hundred thousand dollars. The stock shall be personal estate, and transferable on the books of the corporation according to the by-laws.

Directors—qualifications.

Officers.

§ 3. That the property, business, and affairs of this corporation shall be under the direction, management, and control of a board of seven directors, who must be citizens of Grant county, Kentucky, and stockholders, one of whom shall be elected annually president of the board, and one of whom shall be elected annually vice president of the board. After the first election they shall be elected annually on the first Monday of January in each year, and shall hold office until their successors are duly elected and qualified. Said board of directors shall have the full control and management of the business and affairs of the bank, and may employ and appoint such agents, officers, and servants as may be necessary to conduct the same, and pay them such salaries and wages as they may agree upon, and take such bonds for the faithful performance of the duties of same as they may think proper and reasonable. Said board shall have power to receive subscriptions for so many shares of stock of said bank remaining unsold as they may at any time choose to sell; to declare dividends of the profits arising out of the business; to provide for the administration of oaths to the different officers, and to enact any and all necessary by-laws not inconsistent with the Constitution and laws of Kentucky for the government of the corporation, and to amend or

Bonds.

repeal the same at pleasure. The election of a board of directors provided for by this section shall be held by three persons appointed by the board for that purpose, and each stockholder shall be entitled to one vote for each share of stock owned by him in said election. Any vacancy occurring in said board may be filled by appointment until the next annual election.

§ 4. William Points, O. P. Hogan, sr., W. Harrison, D. W. Williams, Andrew Board, R. J. Blackburn, Lee Hume, J. W. Mount, and John T. McClure are hereby appointed commissioners, who may open books and receive subscriptions to the capital stock; and when one thousand shares of stock shall have been subscribed for, it shall be their duty to give notice, by sending a written or printed circular to each subscriber of stock, informing him of the amount subscribed, and appointing a time and place for the election of a board of directors, who shall hold office until the next annual election. The payments for the shares subscribed shall be made as directed by the first board of directors; and should any subscriber fail to pay for their subscription for stock, after giving them twenty days' notice in writing, the directors may, by resolution entered on their books, forfeit such stock, and sell the same at such time as they may deem expedient; and all partial payments made on any stock which shall be forfeited shall be held for the benefit of the stockholder, after deducting any unpaid calls and costs of sale. Said corporation may begin business so soon as twenty-five thousand dollars of the capital stock has been paid in, and the president and directors first elected shall have made oath thereto before the judge of the Grant county court.

Commissioners.

Notice.

§ 5. Said corporation may acquire and hold, possess and use, occupy and enjoy, all such real and personal property, goods and chattels, as may be convenient and necessary for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debts, judgments, or decrees, and may sell or convey or dispose of the same as a natural person.

§ 6. Said corporation shall have power to loan money on approved securities of any kind. It may receive stocks, bonds, produce, merchandise, and other things in pledge for the security of money. It may also receive in pledge, or as security for money loaned, United States bonds or certificates.

of indebtedness, or the bonds of any other States of the United States, and sell the same, by due process of law, on the non-payment of the debt or demand, in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

Interest.

§ 7. Said corporation may receive deposits of gold, silver, bank notes, United States Treasury notes, or other currency, and repay the same in such manner, at such time, and at such interest, not exceeding six per centum per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, and in exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the same as may be agreed upon, in all respects as natural persons may do. It may issue certificates of credit, payable throughout the United States and elsewhere, but shall not issue any notes or bills to circulate as money.

§ 8. This act shall remain in force for thirty years. The General Assembly shall, however, have the right to examine the affairs of said corporation by any committee appointed for that purpose, and hereby reserves the right to repeal, amend, or modify this charter at pleasure.

§ 9. Every stockholder shall be individually liable to the creditors of the bank to the full amount of the stock subscribed for and owned by him or her; but when the same shall have been paid for in full, then no further individual liability attaches to said stockholder.

Indebtedness.

§ 10. The indebtedness of this corporation, over and above that incurred for deposits in money, shall at no time exceed their paid-up capital stock.

§ 11. This act to take effect from and after its passage.

Approved February 28, 1882.

## CHAPTER 337.

AN ACT to amend and reduce into one the several acts in relation to the Shelbyville and Louisville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the corporation known as "the Shelbyville and Louisville Turnpike Road Company," created by an act, entitled "An act to amend an act incorporating the Lexing-

ton and Louisville Turnpike Road Company," approved 31st January, 1818, and the acts amendatory and supplemental thereto, be, and the same is, continued under the same name and style of "the Shelbyville and Louisville Turnpike Road Company," with perpetual succession; and by that name may sue and be sued in all courts of law and equity; may contract and be contracted with, may make and have a common seal, and alter the same at pleasure; and said corporation shall have such powers and authority as are usual and incident to turnpike corporations in Kentucky, and such as are necessary to carry out the purposes of this act.

§ 2. The capital stock of said company shall be one hundred and fifty thousand (\$150,000) dollars as now fixed, divided into shares of one hundred dollars each. The certificates of stock heretofore issued to stockholders may be called in by said company, and new certificates issued to the owners and holders thereof for like amounts. Capital stock.

§ 3. The affairs and business of said company not herein specially given to the stockholders, shall be managed and controlled by a board of directors composed of six persons, and the present board of directors of said company shall continue in office until the next regular election, and until their successors are elected and qualified. The board of directors shall elect from their number a president, who shall hold his office until the next succeeding annual election, and until his successor is elected and qualified. The board of directors shall be chosen annually by the stockholders, at such time and place as the president and board of directors may appoint, either by-law or resolution, and shall continue in office for one year, and until their successors are elected and qualified. The stockholders may, at any regular meeting, increase the number of directors to not more than eight, or decrease the same to not less than four, and in the election of directors of said company, and upon any other matter coming before the stockholders for their action, each stockholder shall be entitled to one vote for each share of stock owned by him, and a fraction of a vote for a corresponding fraction of a share of stock. No one shall be president or director of said company except a stockholder. A majority of the board of directors shall constitute a quorum to transact business. Any vacancy occurring in the board of directors may be filled by the remaining members of the board until the next Directors.

annual meeting of the stockholders, and until their successor or successors are elected and qualified. The board of directors shall have power to appoint a treasurer, secretary, gate-keeper, and such other officers and agents as may be deemed necessary, and to remove them or either of them at pleasure, and to require of any such officer or officers such bond as they may deem necessary to protect said company; but the president of said company may, with the consent of the board of directors, act as superintendent of the road. The board of directors shall have power and authority to prescribe rules fixing the duties of the officers and agents of said company, and the manner of the performance of those duties, and also to establish by-laws fixing the time and place for the election of directors and such other meetings of the stockholders and directors as may be necessary, and also for the transaction, control, and management of the business and affairs of the company. Said board of directors may fix the salaries of the officers of said company.

§ 4. Said company shall have power and authority to purchase, lease, buy, sell, and convey any real or personal estate that may be necessary and expedient for the business or interests of said company.

§ 5. Said company shall have full power and authority to hold, own, manage, and operate the turnpike road now owned by said company lying and being in Jefferson and Shelby counties, commencing at the city of Louisville and extending eastwardly towards Shelbyville, a distance of about twenty miles, together with all the branch roads owned by said company, and any and all property, privileges, and rights of way belonging to said company.

§ 6. Said company may, for five continuous miles of its road, erect and keep toll-gates thereon, or may retain the toll-gates now on said road, or may establish other toll-gates at distances not inconsistent with the provisions of this act, and may charge tolls at any of such gates at a rate not exceeding that authorized by the General Statutes.

§ 7. Said company may establish the rates of toll to be collected on said road, and may regulate travel on its road, and charge and collect tolls therefor; but such tolls shall not exceed the rates of toll allowed by the General Statutes. Said company may issue to any person or persons traveling said road permits for any length of time, not exceeding six

months, expiring on the first day of July and January, at such charge and price as may be agreed upon, and such permit may be for the person alone to whom it is granted, or to him and his family, servants, and employes, as may be agreed upon. Said company may, at any of its gates, charge toll for the whole distance traveled in all cases where but one gate is passed

§ 8. Said company shall have the right to acquire and hold, by purchase or lease, lands for toll-houses, stone quarries, gravel beds, and timber; and in case of change of the location of the road, or any part thereof, for right of way, and if the same cannot be obtained by purchase, said company may petition the county court of the county in which the land lies for a writ of *ad quod damnum* to condemn the same, and said writ shall be issued and tried in the usual manner; but on such trial the advantages and disadvantages of the road to the person and to the land, whilst they may be offset against each other, shall not be set-off against the actual value of the land taken, nor shall said company enter upon or take or enjoy such land sought to be condemned until the damages adjudged shall have been paid. If either party desire, an appeal may be taken from the finding of the jury to the Jefferson court of common pleas, if the land lies in Jefferson county, and if the land be in any other county, then an appeal may be taken to the circuit court of the county in which the land lies; but such appeal shall be taken within thirty days from the date of the finding by the jury and not afterwards.

§ 9. The gate-keepers or other employes appointed and put into possession of the toll-houses, or other houses and property of said company, shall not thereby become tenants at will of said company, but shall only be tenants at the option of the president and board of directors of said company, nor shall any of them be entitled to any notice to quit and to deliver possession of such property other than an order from the president of said company notifying him or them of his or their dismissal.

§ 10. The said company may, from time to time, sell and convey any part of its road, including the right of way and property, to the city of Louisville; but such sale or sales shall not be of more of said road and the property thereof than is within the limits of said city at the time of such sale; and the

said company shall have full power and authority, by and with the consent of a majority of the stock of said company, to sell, transfer, and convey the whole of said road, or any part thereof, including the right of way, lands, privileges, and franchises of said company, at such times and on such terms as may be agreed upon.

§ 11. All acts and parts of acts concerning the Shelbyville and Louisville Turnpike Road Company heretofore passed are hereby repealed.

§ 12. This act shall take effect from and after its passage.

Approved February 28, 1883.

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### CHAPTER 338.

AN ACT to incorporate the Bank of Taylorsville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is hereby established a savings and deposit bank in Taylorsville, Spencer county, Kentucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided ; and the subscribers to said stock, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Bank of Taylorsville, and shall so continue for fifty years from the date of its organization, unless sooner dissolved by a majority in interest of the stockholders therein; and shall have and may exercise all the rights and privileges of a natural person in contracting and being contracted with; and as such, may sue and be sued, and plead, answer, and defend, in any court or place whatever; and may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of a board of five directors, who shall be stockholders residing in the State of Kentucky, who shall hold their offices until their successors are elected and have qualified; and after the first election under this charter they shall be elected annually on the first Tuesday in January of each year, or as soon as practicable thereafter; and in case of a vacancy for any cause, the remaining directors may fill the same with other stockholders possessing the qualifications hereinbefore



named; they shall elect one of their number president; they shall have power to sell any of the stock not subscribed for; to declare dividends arising out of the profits of the business of said bank; to appoint such officers, agents, and employes as may be necessary to properly conduct the business of said bank, and pay them for their services, and may take such bonds from the president, cashier, or other employes of said bank as they may deem necessary to insure a faithful performance of their respective duties; and may make and enforce such by-laws as may be necessary for the proper management and control of the affairs of said bank: *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

§ 3. That James P. Beard, A. P. Harcourt, Matthew Wakefield, J. R. Montgomery, and J. B. Cox are hereby constituted and appointed a board of commissioners to open books for subscription of stock in said bank, and shall provide for an election of directors by the stockholders, after due notice of the time and place of election. The commissioners aforesaid shall cause due and proper notice to be given to all the stockholders, by publication in some newspaper printed in Taylorsville, or by written or printed notices through the mails, of the proposed time and manner of holding said first election, at which every stockholder shall be entitled to cast one vote, in person or by written proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election.

§ 4. The commissioners named as in section three of this act may appoint one or more of their number to open books and take subscriptions to the capital stock of said bank, and to receive and hold in trust for the use and benefit of the subscribers any sums, not less than ten dollars per share, that may be paid in by any subscriber at or after the time of making said subscription, and before the organization of the bank; and as soon as one hundred shares of said stock shall have been subscribed for, they may organize said bank by electing a board of directors of not more than ——— numbers, one of whom shall be elected president, and said board may appoint a cashier, and may begin business as soon as ten thousand dollars of the capital has been paid in: *Provided*, That the said president and cashier shall first go before some officer authorized to administer oaths under the laws of this.

State and make and subscribe to an oath (or affirmation) that said ten thousand dollars of capital has actually been subscribed and paid in.

§ 5. After the organization of said bank the calls for payments of installments on the subscription of stock shall not at any one time exceed ten dollars per share, nor be made oftener than one call per month, and at least ten days' notice shall be given each subscriber of the time such installments will be due; and any share of stock, on which any called installments is at any time thirty days overdue, may be declared forfeited by the board of directors, after ten days' notice, in writing, to the owner thereof of their intention to forfeit same, provided the same still remains unpaid. All shares of stock so forfeited by the board shall be sold at public auction, after notice to pay, first, all such due or overdue installments to the bank, and the expenses of making the sale, and the remainder, if any, shall be placed to the credit of the stockholder on the books of the bank, and notice shall be given him of the amount thereof.

§ 6. After fifty per cent. of the capital stock shall have been paid in, no further call shall be made, except by consent of a majority of the stock.

§ 7. A majority of the directors shall constitute a legal quorum for the transaction of business.

§ 8. The stock in said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors shall, from time to time, establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him; but when the said stock shall have been paid for in full, then no further liability shall attach to said stockholder.

§ 9. Said bank, when organized, may receive deposits of gold and silver coin, bank notes, and all other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed on with the depositors by general or special contract; may transact a general banking business, loan money, discount paper, buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, and other evidences of debt; take personal, collateral, or other security for the payment of

same, and dispose of such stocks, bonds, and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

§ 10. Said bank may acquire, hold, and use such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as security for or purchased in satisfaction of any debt, judgment, or decree, and may sell and convey the same, and may buy its own stock in satisfaction of any such debt, judgment, or decree, but must re-sell the same as soon as practicable.

§ 11. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid and binding.

§ 12. It shall be the duty of the president of said bank to pay, or cause to be paid, to the Auditor of State, on or before the tenth day of January of each year after the organization of said bank, fifty cents on each one hundred dollars of paid-up stock in said bank as ordinary revenue of the Commonwealth, which shall be in lieu and in full of all tax or bonus.

§ 13. The General Assembly of the Commonwealth reserves the right to amend, alter, or repeal this act of incorporation at pleasure.

§ 14. This act shall take effect from and after its passage.

Approved February 28, 1882.

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#### CHAPTER 339.

AN ACT to authorize the trustees of the town of Midway, in Woodford county, to convey by deed of gift a lot of ground to the Baptist Church of Midway.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustees of the town of Midway, in Woodford county, be, and they are hereby, authorized and empowered to convey, by deed of gift, to the Baptist Church of Midway, or to the officers thereof, a certain lot of ground belonging to said town lying east of and adjoining the lot upon which the Christian Church of Midway is situated.

§ 2. This act shall be in force from its passage.

Approved February 28, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 340.

AN ACT to incorporate the Meniffee Mining and Lumber Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That L. M. Flournoy, Warren Green, and Isaac Palmer Caldwell, their associates, successors, and assigns, be, and they are hereby, created a body-corporate, by the name of the Meniffee Mining and Lumber Company, and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the Constitution and laws of this State or of the United States.

§ 2. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; but said company may organize and commence business as soon as twenty-four thousand dollars of capital stock shall have been subscribed, and fifteen thousand dollars thereof paid in in money, or such lands suitable to the business of the company as may be conveyed to the company in fee at an agreed price, and the remaining portion of said stock may be issued and sold by the board of directors of said company, or subscribed and paid for under the control of said board at such times as to them may seem best.

§ 3. The said company shall have power to purchase, lease, and hold, and sell and convey at pleasure, as much real estate as they may deem necessary for the successful prosecution of their business, which shall be to work up and manufacture the timber on the same, and to sell timber or its products on the premises, or to transport the same to market, and to take, transport, and sell tan-bark or other products of their lands. They shall also have the power to explore, bore, excavate mines, and dig for petroleum, salt water, coal, iron, lead, zinc, and other minerals, and manufacture or transport and sell the same; to erect and run saw-mills, purchase, build, and own and use such machinery, implements, and other things as may be deemed necessary for carrying on

said business; to acquire by purchase or lease and hold such mining rights and rights of way as the said company may deem necessary for the successful prosecution of their business, and the same or any part thereof to sell or rent, as the interest of said company may require.

§ 4. The said company shall have full power to lay out and construct a railway, with single or double track, to connect with any other railroad, not exceeding twenty miles in length, in this State, and to the Red and Kentucky rivers, and operate the same in whole or in part by steam or other power, with the right to condemn lands for right of way and depot grounds, by payment for the same as now possessed and enjoyed by the Louisville and Nashville Railroad Company, and shall have the right to charge toll for freight and passage any rates not exceeding the rates authorized by other railroads of a similar character in this State.

§ 5. For conducting the affairs of said company a board of not less than three directors shall be chosen by the stockholders of the company; but the number of said directors may be increased, if the stockholders shall so decide, at any regular or called meeting of the stockholders. Said board of directors shall choose one of its number who shall be president of the company, and said board shall serve for one year or until their successors are elected. The president and directors shall have power to appoint all other officers, agents, and servants, and remove them at pleasure. In all elections, each share of stock shall entitle the holder to one vote, and stockholders may vote by proxy. The stock shall be deemed personal estate.

§ 6. Books for the subscription of stock may be opened at any time and place by order of the board of directors.

§ 7. That it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money for the use of said company as may be necessary in the conduct of its business, and for that purpose may pledge or mortgage all or any part of the estate, improvements, franchises, effects, and assets of said company for the re-payment of any money so borrowed, at such times as may be agreed on; and in pursuance of said mortgage, may issue bonds, to be signed by the president and secretary of said company, in sums of one hundred, five hundred, or one thousand dollars each, bearing interest at a rate not

exceeding six per cent. per annum, with coupons attached to the bonds for the interest, payable semi-annually, which shall be signed by the treasurer of said company.

§ 8. In the event of failure of any stockholder to pay up his stock as called for by order of the board of directors, the share or shares of such stockholder or stockholders may be forfeited by order of said board, or they may sue and recover the same.

§ 9. The president and directors of said company shall have the power to establish a store or stores on or near their land, or the place or places where their manufacturing business is carried on, for the sale of dry goods and groceries, and such other articles, except spirituous, malt, or vinous liquors, as are usually kept and sold in a store, and sell the same for money, and buy and sell the products of the country.

§ 10. That it said company or their lessees shall build or construct any railroads, not exceeding twenty miles in length, on their premises, and connecting with any other railroad or water-courses, said lines of railroad shall be exempt from county and State taxation for a period of five years from the date of commencement of the construction of the same.

§ 11. The Legislature reserves the right to alter or amend this charter, and to regulate rates of toll for freight and passage.

Approved March 1, 1882.

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#### CHAPTER 341.

AN ACT to prevent the selling, loaning, or giving away of spirituous, vinous, or malt liquors in the town of Hiseville, in Barren county, and in the common school district in which said town is situated.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That no license shall be granted by the judge of the Barren county court, or by the board of trustees of the town of Hiseville, to any person or persons to vend or sell spirituous, vinous, or malt liquors in said town, or within the boundary of the Hiseville common school district.

§ 2. It shall be unlawful for any person or persons to sell, loan, or give any spirituous, vinous, or malt liquor, or any mixture of either, to any person or persons in said town or the common school district in which said town is situated.

§ 3. Any person or persons who shall violate any of the provisions of this act shall be fined not less than twenty-five dollars, or be imprisoned for ten days, nor more than one hundred dollars, or forty days' imprisonment, or both so fined and imprisoned.

§ 4. The police judge of the town of Hiseville shall have jurisdiction over all violations of this act.

§ 5. Any and all fines collected under the provisions of this act shall inure to the benefit of the common school district in which the town of Hiseville is situated, to be paid to the school trustees of said district, who shall be liable for the faithful application of the sum to common school purposes in said district.

§ 6. This act not to include the premises of Garland Twyman in said boundary.

§ 7. This act shall take effect from and after its passage.

Approved March 1, 1882.

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#### CHAPTER 342.

AN ACT directing the county levy court of Jefferson county to re-district and lay off said county, outside of the corporate limits of the city of Louisville, into twelve justices' districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county levy court of Jefferson county be, and it is hereby, directed, at its March term, 1882, to re-district the county of Jefferson, outside of the corporate limits of the city of Louisville, and lay off said county outside of the corporate limits of said city into twelve justices' districts.

§ 2. Said districts shall be laid off with reference to the population.

§ 3. The records and papers of all justices of the peace in the districts heretofore existing shall be transferred and delivered to the justice who may be elected at the August election, 1882, within the limits of whose district the office of the retiring justice may be situated.

§ 4. That the act directing the county levy court of Jefferson county to re-district and lay off said county into twelve justices' districts, approved February 27, 1882, and all laws and parts of laws in conflict herewith, are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 2, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 343.

AN ACT to empower the Gallatin county court to levy an ad valorem tax for certain improvements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the Gallatin county court, annually, at its court of claims, or at such other time as it may select, to levy a tax of not exceeding ten cents on each one hundred dollars' worth of taxable property in said county for the purposes of repairing or improving any turnpike road of which said county may become the exclusive owner.

§ 2. That it shall be lawful for said county to acquire, by purchase or gift, any or all turnpike stock within its limits.

§ 3. This act shall take effect from its passage.

Approved March 2, 1882.

## CHAPTER 345.

AN ACT to incorporate of the Todd-Donigan Iron Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Style.

§ 1. That ~~the~~ Todd-Donigan Iron Company be, and the same is hereby, incorporated, and by that name it may sue and be sued, contract and be contracted with. It may have a seal, and alter and change the same at pleasure; acquire, hold, and transfer all real and personal property necessary for the conducting of its business, and for securing debts and liabilities to it as fully as though it was a natural person; and also shall have the rights, powers, and privileges ordinarily pertaining to corporate bodies of like character. It may, by its directors, make all rules and by-law necessary for the management of its affairs not inconsistent with the Constitution and laws of this State or the United States.

By-laws.

Capital stock.

§ 2. That the capital stock of this company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, and the stockholders may, whenever they deem it proper, increase said stock from time to time until it shall reach three hundred thousand dollars. The said company may carry on its business whenever seven hundred and fifty shares of stock have been subscribed and paid in. Certificates of stock shall be issued to each stock-



holder, signed by the president and countersigned by the secretary, which shall be transferable by the holder, but no such transfer shall be valid except between the parties thereto until the same is regularly entered upon the books of the company, so as to show the name of the person to whom and by whom made, the date of the transfer, and the number of the shares transferred.

§ 3. The business of this company shall be conducted by a Directors.  
board of not less than five nor more than nine directors, to be chosen by the stockholders from their own number, and who shall vacate their offices when they cease to be stockholders. They shall hold office for one year from the regular Term.  
election, and until their successors duly chosen shall enter upon the duties of their office; but whenever a majority of the newly elected directors shall enter upon their offices, then all the members holding over shall cease to act. The directors shall have the power to fill any vacancy in the directory until the regular election. They shall appoint one of their Officers.  
number president and general manager, and one vice president, and appoint a treasurer and a secretary, and may engage such other subordinate officers as they may deem necessary, and may fix the salaries and times and manner of payment of all officers, and shall prescribe the duties of all such. A Quorum.  
majority of the directors or stockholders shall constitute a quorum to transact business whenever a meeting of either is held. The times of holding all elections shall be fixed in the by-laws of the company, and each share of stock shall entitle the holder to one vote in all elections or matters submitted to a vote of the stockholders.

§ 4. The business of this company shall be that of buying, Purposes.  
selling, and dealing in iron, steel, and metals, and all tools manufactured thereof, and all goods and tools connected therewith used in the manufacture of wagons, plows, all kinds of wheel vehicles, materials, and tools for buildings, bridges, streets, turnpikes, boat building, railroad and contractor's supplies, hardware and similar goods, and all articles used in connection therewith, and to manufacture any article used in such business, and shall be carried on in or near Louisville, Jefferson county, Kentucky; but it shall have the right to establish agencies and offices elsewhere to assist in carrying out the objects of the company.

§ 5. The company organized under chapter fifty-six, title "Incorporated Companies," of the General Statutes, called the Todd-Donigan Iron Company, may, by a vote of the majority of its stock, accept this charter; when that is done, the capital stock of that company shall become capital stock in this company, and the assets and liabilities of that company shall become the assets and liabilities of this company, and certificates of stock in that company shall be surrendered and new ones issued; and this company shall supersede and stand in place of that one in every particular, except that its corporate existence, rights, powers, and privileges shall be derived from this charter instead of from chapter fifty-six of the General Statutes, and all the powers of the former company under said chapter shall cease to exist. That John J. Slattery, president and general manager; Thos. A. Speed, vice president; Jabez Balmforth, treasurer; John Cochran, secretary, officers, and John J. Slattery, Thomas A. Speed, Jabez Balmforth, John Cochran, R. W. Donigan, George D. Todd, and James Todd, directors of said company, shall continue in office until second Tuesday in January, 1883, unless they, or either of them, shall become disqualified as provided in section three of this act, or shall resign; but the directors may at any time remove any officer for cause.

§ 6. The directors shall declare and pay to the stockholders from the net profits of the business such dividend or dividends as in their discretion is wise and prudent.

§ 7. The private property of the corporators and stockholders of this company shall be exempt from all liability for the debts or liabilities of the company.

§ 8 This act shall take effect from and after its passage, and remain in force fifty years after its passage.

Approved March 2, 1882.

#### CHAPTER 347.

AN ACT to prohibit the sale of liquor within three miles of Rockbridge Church, in Shelby county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be, and is hereby, unlawful for any person to sell any vinous, spirituous, or malt liquors within three miles of Rockbridge Church, in Shelby county.

§ 2. Any person violating the provisions of this act shall be fined twenty dollars for each and every offense, on the indictment of a grand jury.

§ 3. This act shall take effect from its passage.

Approved March 2, 1882.

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CHAPTER 349.

AN ACT to amend the charter of the Glasgow Railroad Company and the acts amendatory thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be the duty of the judge of the Barren county court to appoint three commissioners, for the management of the sinking fund, created by the original and amended charters of the Glasgow Railroad Company, and he shall have power and authority to take from them bonds, payable to the Commonwealth of Kentucky, in adequate penalties, with good and sufficient sureties, to be approved by him, conditioned for the faithful discharge of their duties under the charter of said railroad company. For a breach of said bonds recovery may be had in any court in this Commonwealth having jurisdiction. The said commissioners shall have power and authority to receive all sums raised by taxation or otherwise by precinct No. 1, in Barren county, to pay the bonds issued by said precinct to the Glasgow Railroad Company, and when received, they must either buy in the bonds of said precinct and destroy them in the presence of the county court, after having first made a memorandum of the date, number, amount, who purchased from, and when purchased, on the order-book of the Barren county court; or if they cannot buy said bonds at not exceeding par and ten per cent. premium, they must invest the funds so collected by them in some safe interest-bearing securities, and hold the same, with the interest collected, for the purpose of paying off said bonds at maturity. The commissioners of the sinking fund, before they proceed to act, must take an oath to faithfully discharge their duty, and the county court may make them a reasonable allowance for their services.

§ 2. That an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved 20th March,

1872, authorized said railroad to extend the road to Tompkinsville, in Monroe county, but limiting the time to the 20th March, 1884, be, and the same is hereby, so amended as to give to said railroad company the further time until 20th March, 1890, in which to complete their road to Tompkinsville, and continuing in operation all the provisions of said act approved 20th March, 1872, until that time.

§ 3. That all of the property owned by the Glasgow Railroad Company, and situated within the town of Glasgow, and in precinct No. 1, of Barren county, be, and the same is hereby, exempted and released from the payment of all taxes levied and to be levied by said town and precinct to raise money to pay the bonds and interest or coupons attached, issued by said town and precinct to the Glasgow Railroad Company.

§ 4. If the office of sheriff of Barren county shall become vacant by death, resignation, or otherwise, it shall be the duty of the judge of the Barren county court to appoint a collector, who shall collect the tax levied by the county court of said county, on precinct No. 1, of Barren county, for railroad purposes. The person so appointed must execute bond, with good security, to be approved by the judge of said court, payable to the Commonwealth of Kentucky; and said collector must take an oath to faithfully discharge his duties as such. Said collector, when appointed, shall have the same power and authority, and be liable to the same penalties, that the sheriff of Barren county now has under the charter of the Glasgow Railroad. For a breach of the conditions of said bond, suit may be instituted in any court having jurisdiction thereof by any person, persons, or corporation aggrieved by a breach of said bond.

§ 5. That so much of the original and amended charters of the Glasgow Railroad Company as authorizes counties of Barren and Monroe, or any district or town therein, to subscribe for stock in said road for the purpose of extending the same to town of Kinsville, Kentucky, and to issue bonds or levy taxes to pay the same, is hereby repealed.

§ 6. This act shall take effect from its passage.

Approved March 2, 1882.

CHAPTER 350.

AN ACT to amend an act to amend the charter of the city of Paducah, approved February 26th, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section one of an act to amend the charter of the city of Paducah, approved February 26th, 1878, be, and the same is hereby, so amended that hereafter no person shall be ineligible to any office to which such person may be elected to in the city of Paducah by reason of any such person being on any license bond to said city, either as principal or security; and all of the provisions of said section one not in conflict with this act are to remain in full force and effect.

§ 2. This act to be in force and take effect from its passage.

Approved March 2, 1882.

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CHAPTER 351.

AN ACT to incorporate the Carrollton, Locust and Milton Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. A company may be formed and created a body-politic and corporate, by the name and style of the Carrollton, Locust and Milton Turnpike Road Company, for the purpose of making a turnpike road from the town of Carrollton to the forks of Locust creek, and to Milton, in Trimble county, the road to be located on or near the present county road from Milton to some point on C. Deweese's farm; thence to the bridge across Locust creek; thence to Carrollton.

§ 2. The capital stock of said company shall not exceed the sum of twenty thousand dollars, divided into shares of fifty dollars each, subscribed in the manner hereinafter set forth.

§ 3. A book for the subscription of stock in said company may be opened at any time by Dr. S. E. Hampton, W. A. Barker, Samuel Fearn, jr., J. O. Snyder, George Conway, George Ringo, Robert King, E. H. Smith, W. F. Howe, John I. Forbes, W. L. Smith, H. M. Winslow, John S. Gaunt, S. H. Nye, John Nye, J. D. Brindley, B. G. Hoagland, James G. Mosgrove, P. H. Owen, and J. A. Donaldson, who are ap-

pointed commissioners for that purpose, and who, or any of them, may solicit subscriptions for that purpose; in which book the persons proposing to become stockholders in said company shall enter into an obligation in words as follows, viz: We, whose names are hereunto subscribed, do promise to pay to the Carrollton, Locust and Milton Turnpike Road Company the sum of fifty dollars for each share of stock in said company set opposite our names, respectively, in such manner and proportions, and at such times, as shall be required by said company.

Subscription book to remain open at option of company.

§ 4. The book for the subscription of said stock shall remain open at the option of the company, or until the whole of the capital shall have been subscribed.

President and directors — when and how elected.

§ 5. As soon as fifty shares are subscribed, the said commissioners, or any of them who may act, may give notice for a meeting of the subscribers to the capital stock of said company, to be held at the court-house in Carrollton, Kentucky, for the purpose of choosing a president and five directors to manage the affairs of the said company; said notice to be given by one insertion in the county paper, if one is published, or by written notice posted at the court-house or post-office in Carrollton seven days before said meeting. Said commissioners, or any three of them who may be present at said meeting, may take the votes of those who shall have subscribed to the capital stock of the said company, and shall allow each person who shall have so taken stock to vote once, in person or by written proxy, for each and every share of stock so subscribed; and the said commissioners, or those of them who shall be present and act, shall declare the person having the highest number of votes cast for him as president to be duly elected president, and the five persons having the highest number of votes cast for them as directors to be duly elected directors; and in case of a tie, the commissioners so acting, or a majority of them, shall cast the deciding vote; and thereafter, on the first Monday of August in each year, the president and directors for said company shall be elected, at such place as the president and directors then in office shall designate, of which notice shall be given in writing, and posted on the court-house door in Carrollton, Kentucky, at least four weeks previous to holding the election; at which elections the officers of the company, or any three of them, may preside, and conduct the same in the manner above

specified: *Provided*, No person not a stockholder in the company shall be eligible to the office of president or director, nor any stockholder who has not paid all calls made by the president and directors of said company on the stock subscribed or held by him, and no stockholder shall vote at any election unless the whole amount due and payable on the share or shares held by him or her shall have been paid to the extent the same shall have been called.

§ 6. The said president and directors shall, before they enter upon the duties of their offices, take an oath before some judge, justice of the peace, or clerk of a court, that they will faithfully, and to the best of their skill and ability, discharge the duties of president and directors of said company, without fear, favor, or affection, according to law, a certificate of which shall be filed with the records and papers of said company. Upon the qualification of the president and directors, they shall elect a treasurer, secretary, and such other officers as they may deem necessary, and who shall hold their offices during the pleasure of the president and directors of said company. The president and directors shall hold their offices until their successors are elected and qualified. The said president and directors shall have power and authority to take and require of the several officers by them appointed, such bond or bonds as they may deem necessary and proper to secure a faithful discharge of the duties of their respective offices. To take an oath.

§ 7. Upon the election and qualification of the president and directors aforesaid, they shall be a body-politic and corporate, in deed and in law, by the name, style, and title of the Carrollton, Locust and Milton Turnpike Road Company, and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing and holding, to them and their successors and assigns, and of selling and transferring and conveying all such lands, tenements, and estates, real and personal, as shall be deemed necessary to them in the management of its affairs; and to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this Commonwealth, or in every other place When qualified to be a body-politic and corporate.

whatever; and to do all and every matter and thing which a natural person may do.

How subscriptions of stock may be paid.

§ 8. The said president and directors, upon their entering upon the duties of their offices, may call upon the stockholders for ten dollars on each share of stock subscribed, and may make such call every thirty days until the whole amount subscribed shall be paid.

Private property of stockholders not liable for debts.

§ 9. The private property of the stockholders shall not be subject to, nor in any way be bound for, the debts of the company.

Elevation and grade of road.

§ 10. Said company shall fix and regulate the elevation and grade of the said road, the width of the part thereof to be covered with stone, also the thickness, and designate the points of commencement and termination, and route of the road, and the points for the erection of toll-gates.

Certificate to be delivered to each shareholder.

§ 11. The said company shall deliver a certificate, signed by the president, and attested by the secretary, to each shareholder for each share subscribed and paid for by him, her, or them, which certificate shall be transferable on the books of the company, in person or by attorney, subject to the claim of the company for any debt or demand it may have against the person transferring the same; and the company shall have a lien on the stock held by any stockholder in the company for the payment of any debt due the company from such stockholder.

By whom meetings may be called.

§ 12. The president may call meetings of the directors at such times and places as he may think proper. Two of said directors and the president, or three of the directors in the absence of the president, shall constitute a quorum for the transaction of business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose; and they shall be signed by the president and attested by the secretary; and in case of the death or absence of the president, the directors shall elect a president *pro tempore*; and they may adjourn from time to time as they may think proper, and may fill vacancies in their body occurring by death, resignation, refusal to act, or otherwise, until the next regular election is held.

Employees to have right to enter upon lands, &c.

§ 13. The company and the engineers, chain-carriers, &c., in the employ of said company, shall have power and authority to enter in and upon the lands and inclosures and public roads through and over which the said intended road may be



thought proper to pass; and to examine the quarries, beds of stone, gravel, and other materials necessary for the completion of said road.

§ 14. The company shall have power and authority to agree with and appoint all such surveyors, engineers, and other officers and agents necessary to carry on the business of the company; and may adopt such by-laws as may be necessary for the management of the business of the company.

May adopt by-laws.

§ 15. The said company shall have the right to survey, lay out, locate, and make its road through any improved or unimproved lands between Carrollton and Milton, and to take from the land occupied by said road, when surveyed and located as aforesaid, or upon any land in the vicinity thereof, any stone, gravel, timber, or other material necessary to construct a good, secure, and substantial road, as contemplated by this act: *Provided*, The said material shall not have been previously quarried or prepared or otherwise appropriated; and in case any difference shall arise between the owner or owners of any ground, or their agents, from which material are sought to be taken as aforesaid, and said company or its agents, respecting the value thereof, or damages therefor, the same shall be determined as hereinafter provided.

May survey and locate road.

§ 16. In case the said company shall be unable to agree with the owner of any lands for the right of way through the same, it may make application to the presiding judge of the Carroll county court for the appointment of three commissioners, who shall, after taking an oath that they will faithfully, and to the best of their ability, discharge the duties of their position, proceed to view such land, and assess the value thereof, and the damages which the owner or owners thereof will sustain by reason of the location of said road; but in assessing the damages which the owner or owners of such land will sustain by reason of the location of said road, said commissioners shall take into consideration the advantages resulting to the adjoining lands of the proprietor by reason of such location; said commissioners shall report, in writing, to the said presiding judge, and thereupon he shall cause notice to be given to the proprietors of such land, or their agents or representatives, to appear at the expiration of ten days, and show cause why such report should not be confirmed, and the right of way vested in said company. If any of said owners are infants, or persons of

How right of way may be acquired.

unsound mind, a guardian *ad litem* shall be appointed as in other cases; and if they are non-residents, and have no agents in the county, a warning order shall be made. In case such owner fails to appear, or having appeared, fails to make any exception to said report, the presiding judge shall confirm the same, and make an order vesting the right of way in said company. In case exceptions are made to said report, either by the owner of the lands or the company, the said county judge shall decide upon the same. In case either party shall be dissatisfied with the judgment thereon, an appeal may be taken to the circuit court as in other civil cases.

When judgment  
to be rendered  
vesting the right  
of way in com-  
pany.

§ 17. No judgment shall be rendered vesting the right of way in said company, until the value of the land, and the damages assessed by the commissioners or by the judge, shall have been paid to the owner or his authorized agent, or deposited in court for such owner.

When toll-gates  
may be erected.

§ 18. The said company shall have the power and authority, so soon as it shall have completed two and a half continuous miles thereof, to call three disinterested house-keepers to examine the same; and if they shall certify that said road has been made in a good and substantial manner according to the provisions of this act, which certificate shall be recorded in the office of the clerk of the county court, the said company may cause a gate to be erected across said road, and may demand, collect, and receive the same rates of toll and duties from all persons traveling the same with horses, cattle, or any other animals, and with carriages, wagons, sleds, and other vehicles of conveyance, as now allowed by the general laws of this Commonwealth for turnpike roads. The company shall cause printed lists of the rate of tolls which they may lawfully demand to be affixed at each toll-gate on the road: *Provided*, That no person shall be required to pay toll at any of the gates erected as aforesaid going to or returning from religious service on the Sabbath, or in going to or returning from funerals; and as said road progresses to completion, the same charges may be made for any additional part of said road that may be completed as aforesaid in connection with that part over which said gate may be erected.

May purchase  
land, necessary  
toll-houses, &c.

§ 19. When the said road, or any continuous two and a half miles thereof, shall be completed, the company may contract for, purchase, and hold any quantity of land that may

be deemed necessary for toll-houses, &c., or, if necessary, may have a sufficient quantity of ground for said purpose condemned as hereinbefore provided.

§ 20. If any person liable to pay toll on said road, at either of the gates erected in conformity with this act, shall directly or indirectly evade the same, such person or persons so offending, for every such offense shall forfeit and pay to the company the sum of ten dollars, recoverable before any justice of the peace in like manner as other debts of equal amounts.

§ 21. The commissioners appointed to receive subscriptions of stock, or any of them, are hereby authorized to take a re-lease of the ground and right of way from the persons though whose lands said road may pass and be constructed, and a grant of material that may be necessary to construct or repair said road.

To whom release of right of way to be made.

§ 22. The company shall have full power to permit any stockholder to work out his or her stock in said road that he or she may have subscribed, or any part thereof, at an agreed price.

Stockholders may work out stock on road.

§ 23. That the president and directors may, if they deem necessary, cause to be condemned along the route of the proposed road not exceeding fifty feet in width, upon which to construct said road and all necessary ditches and drains.

May condemn land along route of road.

§ 24. All moneys to which the company may be entitled, and which may be received by it or any of its officers or agents, shall be paid over to the treasurer, and shall be paid out by him only upon the order of the board of directors, as shall appear from the record of the company, and a certified copy therefrom, signed by the president, attested by the secretary, and presented to said treasurer for payment.

All moneys to be paid over to the treasurer.

§ 25. The presiding judge and justices of the Carroll and Trimble county courts, or a majority of them concurring, may, by order entered on the records of said courts, donate to said company any bridges over any public roads of the county over which the road of the said company may pass.

County court may make donation to said company.

§ 26. The said company shall have power and authority to purchase any turnpike road, with which its road may connect, or to purchase any part thereof or interest therein which it may desire, together with all the rights and franchises, of whatsoever kind or nature, belonging thereto.

May purchase any road connecting with this road.

§ 27. The said company shall have full power and authority to issue any bonds for the purpose of raising money to pay

May issue bonds.

off any indebtedness of the company, or to raise money for the purpose of building or completing said road; and when the company shall desire to raise money for any such purpose, and shall so direct, the president of the road shall have full power and authority to convey by deed of mortgage, for said purpose acknowledged by him, for and on behalf of said company, and recorded in the clerk's office in the Carroll county court, the said road, together with all its lands, tenements, appurtenances, rights, privileges, and franchises, to a trustee for the security of the payment of said bonds.

How money received from tolls to be expended.

§ 28. The money received from tolls on said road shall be expended, so far as necessary, in keeping the same in good order, and the remainder shall be applied to the payment of the principal and interest of the bonds authorized by this act, in case any shall be issued. Said company may use any part of the net earnings of the road in purchasing its bonds before maturity, and the surplus money of the company after the completion of the road and the payment of said bonds, if any are issued, shall be distributed among the stockholders in proportion to the amount of stock held by them respectively, by dividend declared at such times and in such manner as the company may see fit.

President and directors not to receive any pay for services.

§ 29. The president and directors of said company shall not be authorized to receive any pay for services in their respective offices.

§ 30. This act shall take effect from its passage.

Approved March 2, 1882.

## CHAPTER 353.

AN ACT to incorporate the Ohio River Water-works Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That C. B. Simrall, James D. Henry, Theodore F. Hallam, and Joseph D. Price, and their associates, successors, and assigns, are hereby created a body-corporate and politic, with the right of perpetual succession, under the name and style of the Ohio River Water-works Company, and by that name to sue and be sued, plead and be impleaded, contract and be contracted with, purchase, acquire, hold, and sell property, real, personal, and mixed, to the extent required, and for the purposes hereinafter mentioned; to have

and keep a common seal, and alter and change the same at pleasure.

§ 2. The authorized capital stock of said corporation shall be three millions five hundred thousand dollars, to be divided into shares of one hundred dollars each. The authorized capital stock of said corporation may be increased to five million dollars, by a majority vote of all of the stock of said corporation, to be cast at a meeting of the stockholders called for that purpose, of which meeting sixty days' notice, in writing, shall be given by the board of directors to each stockholder, designating the time, place, and purpose of said meeting. The incorporators may open books for subscription to the capital stock of said corporation at such times and places as they may deem proper, and close and re-open said books for subscriptions aforesaid as they may deem for the best interest of said corporation. When fifty thousand dollars of said capital stock shall have been subscribed, the corporation may organize and commence business. Payment of subscriptions for said capital stock shall be made at such times and in such ways as the incorporators or the board of directors of said company, when elected, may determine upon.

§ 3. The business of said corporation shall be the building of reservoirs, the laying of water-pipes, and the furnishing of water to municipal or other corporations, companies, or individuals, and the doing and carrying out of all other business or things necessary to be done or carried on for the proper carrying into effect the purposes for which said corporation is organized; and in pursuance thereof the said corporation may contract to and with any municipal or other corporations, companies, or individuals to furnish water in such quantities and upon such terms and conditions as may be agreed upon between said corporation and such municipal or other corporations, companies, or persons, and in the further pursuance thereof said corporation may acquire, by gift, purchase, or condemnation, ground upon which to build all necessary reservoirs, pumping houses, and apparatus, and all other buildings or other superstructures necessary for the full and complete enjoyment of the rights and privileges hereby granted, and also all the ground necessary for the laying of water-pipes and other mains, to conduct and carry the water of said corporation to its reservoir or reservoirs,

and from said reservoir or reservoirs to the municipal or other corporations, companies, or individuals, with or to whom said corporation may contract to furnish and deliver water.

§ 4. The private or individual property of the stockholders of said corporation, including the original incorporators, shall not be liable for the debts or liabilities of said corporation.

§ 5. The stock of said corporation shall be held to be personal property, and shall be transferable only upon the books of the corporation. Any person wishing to retire from said corporation may do so by a sale and transfer of his stock in the manner hereinbefore provided; but no stockholder shall have the right to demand or obtain a division of the corporate property.

§ 6. The affairs of said corporation shall be under the control and management of a board of directors, consisting of seven stockholders, one of whom shall be chosen by said board as its president. Said board of directors may be increased to not exceeding eleven, by a vote of the majority of all the stock of said corporation, the vote to be taken at an annual meeting of the stockholders held for the purpose of electing directors: *Provided, however,* That no such vote to increase the number of directors shall be taken unless a notice, in writing, shall have been mailed, by order of the board of directors, to each stockholder, at least one month prior to the time of taking the vote, notifying the stockholders that the question of increasing the number of the directors will be submitted to the vote of the stockholders, and designating the time and place such vote will be taken. The first board of directors of said corporation shall be elected by the stockholders at a meeting for that purpose, called by the incorporators, of which meeting a notice in writing shall be given or mailed to each stockholder. After the first election, the directors shall be elected annually, at such times as the by-laws of the company may fix. The directors so elected shall hold their offices for one year, and until their successors are elected and qualified. Each share of stock shall be entitled to one vote.

§ 7. The board of directors, or a majority of them constituting a quorum, shall have the power to make, alter, and amend by-laws; to regulate the management of the affairs of the corporation, and to fulfill the purposes of its institution;

and they shall possess all the powers to act for and in behalf of the corporation; and do and perform every act and thing needful to be done in carrying on the business for which said corporation is organized that the corporation would possess, if it had no directors, except as in this act of incorporation may be otherwise provided.

§ 8. The said corporation shall have the power, through its board of directors, to borrow money or create indebtedness, to an amount not exceeding its authorized capital stock, for the purpose of carrying on its business, and may issue its bonds or execute its promissory notes or bills of exchange therefor, bearing such rate of interest, and payable at such times and places as may be determined upon by its board of directors, and it may mortgage its property to secure the payment of the same.

§ 9. For the purpose of constructing and maintaining said water-works, and the necessary reservoirs, water-pipes, water-mains, and other apparatus and appendages thereto, the said corporation may acquire by purchase, gift, or condemnation so much land as may be necessary thereto; and it shall be lawful for them to apply to any county court of any county in which said land may lie for said court to appoint a competent engineer and two disinterested commissioners to examine the land necessary to be taken and used for the purposes aforesaid, and take from the proprietors of the same so much land as the engineer of said corporation may state, upon affidavit filed in the county clerk's office, to be necessary for the proper construction and maintenance of the said water-works and its reservoirs, pipes, mains, buildings, and other superstructures and apparatus thereto, and which may include the right to take stone, earth, and gravel for use in the construction of the same; and they shall jointly and severally have power and authority to take and certify the acknowledgment of such grants, and the separate acknowledgment of married women, that the clerks of the several county courts have; and on the presentation of the grants and acknowledgments to the clerk of the county where the land lies, it shall be the duty of the clerk to record the same as other deeds; and they shall be effectual against all persons according to their tenor: *Provided*, That when the parties are infants, or absent, or *non compos mentis*, or refuse to make the grant, they shall, after swearing the wit-

nesses, hear any proof that may be adduced, and upon their own view proceed to value said land and appurtenances, or earth, stone, gravel, or timber required for the purposes aforesaid, and report the value they have fixed thereon, together with the evidence adduced to the court appointing them, together with a map and profile of the ground so to be taken; and said report shall be filed with the clerk of said court, and the proprietors shall be actually or constructively summoned as provided in the Code of Civil Practice. It shall be lawful for the corporation or any proprietor, or both, to traverse the report, and for the court to have the traverse tried in open court by a competent jury, on which trial the report and evidence returned as aforesaid shall be heard, together with such other proof as either party may produce. A new trial to the finding of the jury may be granted as in other cases. The report shall stand for hearing as to any proprietor when the process has been executed ten days, or on the day fixed for the appearance of an absent proprietor, and the court shall have jurisdiction to confirm the report if no traverse is filed, and in case a traverse is filed, to have the same tried by jury, and to give judgment upon the report or finding of the jury, and order the payment of the money, and the execution of the grant in accordance with the report or finding of the jury, and to have the grants executed by a commissioner appointed by the court, and to order them to be recorded in the county clerk's office of the county. Either party may appeal from the judgment of the court; but no appeal shall prevent or delay the corporation from taking possession of said land: *Provided, That*, in compliance with the order of the court, it pays into court, which is hereby authorized to receive the same, the value of said land, or the value of the earth, stone, gravel, or timber required for the construction of said work as fixed by said commissioners, or if their report has been traversed, as determined by the findings of the jury.

§ 10. The said corporation may also, for the purpose of constructing and maintaining said works, occupy or use any street, road, public way or ground, or any part thereof, upon such terms and conditions as may be agreed upon by said corporation and the municipal or other corporations, persons, or public authorities owning or having charge thereof. If no agreement can be made for the right to so use or occupy any roads, streets, or other public grounds, said corporation may



lay its water-pipes, and maintain the same over, under, or along said roads, streets, or other public ground, paying to the municipal or other corporation, persons, or public authorities owning or having charge of the same, all damages they may sustain by reason of the use of said road, street, or other public ground by this corporation, said damages to be ascertained and determined in the same way that the value of the other property taken or used by said corporation is to be determined, as is provided in the preceding section of this act.

§ 11. The principal office of said corporation shall be in Covington, Kentucky, but the same may be changed, by resolution of the board of directors, to any other place in the State. Said corporation may, by its board of directors, establish other offices, either within or without the State of Kentucky, for the transacting of its business; and any business done, or any contracts made, at such office or offices, shall be as valid and binding as if made at the principal office of said corporation.

§ 12. This act shall take effect from and after its passage.

Approved March 3, 1882.

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#### CHAPTER 354.

AN ACT to provide for a sealer of weights and measures for Jefferson county, and to fix his duties and fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Jefferson county, at its levy term in March, 1882, and every four years thereafter, shall elect a sealer of weights and measures for Jefferson county for a term of four years. Said officer shall, before entering upon the duties of his office, give bond to the Commonwealth, for the benefit of whoever it may concern, in the sum of two thousand dollars, with sufficient surety, to be approved by the county court, for the faithful discharge of the duties of his office, and the proper care of the weights and measures intrusted to him. Said officer shall annually make a written report to said county levy court at the March term, under oath, setting forth an itemized statement of all scales, weights, and measures tested and sealed by him during the

past year, and his fees therefor. Said officer may appoint one or more deputies to assist him in the performance of his duties herein prescribed.

§ 2. It shall be the duty of said officer to take charge of the standard weights and measures for Jefferson county, and to safely keep the same; to examine, test, and seal all scales, weights, and measures in use, or intended for use in said county (including the city of Louisville), once in each year, and if they are inaccurate, he shall require that they be made correct: *Provided*, That all dormant scales exposed to the weather or out doors, of the capacity of eight thousand pounds and over, shall be inspected twice in each year.

§ 3. Upon complaint of any responsible person, or the request of the owner, it shall be the duty of the said officer to make additional inspection of any scales, weights, or measures designated: *Provided*, That if, upon such complaint, the scales, weights, or measures be found substantially correct, the complainant shall pay the fee.

§ 4. If any person shall refuse to permit any scales, weights, or measures used or about to be used by him or them to be so inspected, or upon its being inspected and found materially incorrect and condemned by said officer, shall continue to use the same without correcting it, he shall be deemed guilty of a misdemeanor, and, upon conviction, before the Jefferson circuit court, if he resides in the county, or the city court if he resides in the city of Louisville, he shall be fined ten dollars, and it shall be the duty of said officer to prosecute all persons who violate the provisions of this act, or the provisions of section five, chapter one hundred and twelve, of the General Statutes.

§ 5. As a compensation for his said services, the said officer shall be paid by the owner or user of the scales, weights, or measures inspected, the following fees: For inspecting, testing, adjusting, and sealing dormant scales of thirty thousand pounds capacity and over, six dollars. For inspecting, testing, adjusting, and sealing dormant scales of sixteen thousand and up to thirty thousand pounds capacity, four dollars. For inspecting, testing, adjusting, and sealing dormant scales of eight thousand and up to sixteen thousand pounds capacity, three dollars and fifty cents. For inspecting, testing, and sealing dormant scales of four thousand and up to eight thousand pounds capacity, three dollars. For inspecting,

testing, and sealing dormant and platform scales of two thousand and up to four thousand pounds capacity, two dollars. For inspecting, testing, and sealing platform scales of one thousand and up to two thousand pounds capacity, one dollar. For inspecting, testing, and sealing platform scales of four hundred and up to one thousand pounds capacity, fifty cents. For inspecting, testing, and sealing beam scales of one thousand pounds capacity and over, seventy-five cents. For inspecting, testing, and sealing beam scales of two hundred and up to one thousand pounds capacity, fifty cents. For all other scales, balances, and patent balances, twenty-five cents each. For inspecting, testing, and sealing weights of fifty pounds and over, ten cents. For weights of five pounds and up to fifty, five cents each. For pyramid piles of weights, fifteen cents a pile. For all wine and dry measures, five cents each. For yard measures, two and one half cents each.

§ 6. All acts and parts of acts within the purview of this act are hereby repealed.

§ 7. This act shall take effect from its passage.

Approved March 3, 1882.

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#### CHAPTER 355.

AN ACT to establish a new charter for the town of Bellevue, in Campbell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the inhabitants of the territory within the boundary hereinafter designated are hereby continued corporate, by the name and style of the town of Bellevue, with power to govern themselves by such ordinances and resolutions for municipal purposes as they may deem proper, not to conflict with this charter, nor with the Constitution of the Commonwealth of Kentucky, nor the Constitution of the United States; with power to contract and be contracted with, sue and be sued, defend and be defended, in all courts; and the jurisdiction of the town of Bellevue shall be concurrent with the State of Kentucky over the waters of the Ohio river opposite to and bounding said town on the north. Said town may acquire property for municipal purposes by purchase or

otherwise, and hold all property now belonging to said town for the purposes and interests for which the same was granted or dedicated; to use, manage, improve, sell, and convey, rent or lease the same, and have the same power over property hereafter acquired; to have a common seal, and to alter and change it at pleasure, and to act with or without a seal.

*Boundary.*

§ 2. The boundary of the town of Bellevue shall remain as now constituted by the several acts of the General Assembly of Kentucky in relation thereto.

*Streets, etc., and control of them.*

§ 3. Said town of Bellevue is hereby vested with all the rights, titles, interests, powers, and authority which were vested in, possessed, or held by the trustees of the town of Bellevue under the incorporation of said town by act of the General Assembly of Kentucky, approved March 15th, 1870, and the several amendments thereto, and that said town shall have complete power over all the roads, lanes, streets, alleys, ways, commons, public spaces, squares, public buildings, landings, wharves, river frontage, and all other public property in said territory; and all roads, or streets, etc., passing through said town, shall be under the control of said town for such portion of such road, street, etc., as shall be inside of said corporate limits, and shall be improved as other streets, are improved, and constructed as herein provided.

§ 4. There shall be in said town of Bellevue a legislative executive, and judicial department.

*Legislative—Board of Trustees.*

§ 5. The legislative power of the town of Bellevue shall be vested in a board of trustees, to be called "The Board of Trustees of the Town of Bellevue;" the members of which body shall be citizens of the United States of America, residents of the town of Bellevue for at least one year next preceding their election, housekeepers or owners of real estate in said town; shall not, directly or indirectly be interested in any contract in which said town is a party, nor in any application for a contract, nor hold any office or employment for pay in any corporation or company, or under any individual applying for any contract with said town, nor be in arrears for money collected or held, without a settlement and quietus

therefor. Members of the board of trustees shall have attained the age of twenty-five years before their qualification; any person wanting in any of the requisites above enumerated, or lacking in any of said qualifications, shall be ineligible to the office of trustee; and if any such ineligible person should be elected, the board of trustees shall proceed to inquire into the fact, and if they should find any such person ineligible, they shall declare the seat vacant, and proceed to order an election to fill the vacancy for the whole term unexpired. The board of trustees shall consist of six members and a president of the board, all of whom shall be elected by the qualified voters of said town, and shall hold their office for two years from the time of their election; and at the regular March election, 1882, three trustees shall be elected who shall serve for two years, and until their successors are elected and qualified; and the three trustees elected at the regular municipal election in March, 1881, shall serve until March, 1883, and until their successors are elected and qualified, at which time, March, 1883, three trustees shall be elected to serve for two years, and continuing in this manner so that there shall be three members holding over at each municipal election.

*Powers and Duties of Board.*

§ 6. The board of trustees shall judge the eligibility and election returns of its own members, and the election returns of all town officers; and may prescribe the duties of all town officers by resolution or ordinance; and may require bond from all town officers, in such an amount as to them shall seem best for the office and the interests of the town; may adopt rules for their own proceedings; may punish its members for disorderly conduct; and two thirds of the members elect concurring, may expel a member for any act involving moral turpitude. A majority of the members elect shall form a quorum, or three members and the president; but a smaller number may adjourn from time to time, and the attendance of members may be enforced by rules or ordinance, with appropriate fine, not exceeding five dollars. The board shall preserve order and decorum among its own members and among the by-standers, by fine not exceeding five dollars, or by ejectionment from the room of any person offending, upon the order of the president, by the marshal or sergeant-at-arms. The board shall keep a complete record of all their proceed-

ings, and the minutes of the last meeting shall be signed by the president, if they are approved, at the next meeting of the board.

*Regular and Special Meetings—Salary.*

§ 7. The board of trustees shall hold their meetings on the first and third Thursdays of each and every month, at such hours as they may from time to time establish, by rule or otherwise; and they may adjourn from time, and to another place than the usual hall, if the usual hall cannot be used: *Provided*, That all meetings shall be held in the corporate limits of said town; and when not held in the usual hall, a notice shall be posted on the door of the hall, or in some conspicuous place near said hall, naming the place to which the board have adjourned. Special meetings may be called at any time by the president, or, upon the request of any two members, the marshal or other person may serve the notice of the special meeting, and the proceedings of such meetings shall be as valid as if held at a regular meeting.

*Salary.*

§ 8 The members of the board of trustees shall each receive the sum of one dollar for each regular meeting they shall attend, but shall not be paid for special meetings, nor for regular meetings if they are not present thereat.

*Trial of town officers.*

§ 9. Said board, for police purposes, and for the good government of said town, are hereby constituted a court for the trial of all town officers upon charges preferred against them by any two members of said board. Said board, when thus sitting as a court, shall sit under oath or affirmation, and may, if they deem proper from the evidence, remove any officer for malfeasance or misfeasance in office. Said trial shall be had only after ten days' notice thereof shall have been served upon the officer or officers to be tried, and no officer shall be removed unless two thirds of the members elect shall concur in voting for such removal. Such trials shall be conducted in all respects according to the law of the State of Kentucky.

*Salaries of Town Officers, etc.*

§ 10. No member of the board of trustees shall vote upon any measure in which he is directly or indirectly interested personally, except in the allowance of salaries as herein pro-

vided. All salaries of town officers shall be fixed on or before the first Thursday in March of each year, and shall not be diminished nor increased during the year for which the salary is fixed.

*Manual.*

§ 11. Said board of trustees may prescribe such rules and adopt such manual as they shall deem best for their own government.

§ 12. The board of trustees shall not grant any special privileges to any person, corporation, or company, nor exempt any such person or persons from the payment of the annual tax: *Provided*, That the property heretofore annexed to said town, known as the Taylor addition, by act of the General Assembly of Kentucky, approved March 25th, 1872, shall remain as under said act: *And provided further*, That property hereafter annexed to said town may only be exempt from taxation so long as the same is unimproved and in the possession of the original owners.

*Vacancies.*

§ 13. All vacancies occurring in any of the offices of said town, except for members of the board of trustees, whether occasioned by death, resignation, removal from the town, or otherwise, shall be filled by the board of trustees by appointment for the residue of the term of such vacant office; and in the event of no election for any office herein named, except for members of the board of trustees, or the failure or refusal of the person elected to qualify for thirty days after their election or appointment as required by this charter, the board of trustees shall proceed to declare a vacancy in any such office, and fill the same for the residue or unexpired term thereof. All vacancies occurring in the board of trustees, including the president of said board, shall be filled by a special election, to be called by said board, of the voters of said town. All officers not required by this charter to be elected shall be appointed by the board of trustees.

*Regular Municipal Election—Officers of.*

§ 14. The regular municipal election of the town of Bellevue shall be held in said town on the first Monday of March in each year, at which election the officers of said town shall be elected as herein required. The hours of election shall be

from six in the morning until seven in the evening. The officers of election shall be two judges, one clerk, and one sheriff, all of whom shall be appointed by the board of trustees. Said officers of election shall be sworn according to law before acting, and they shall count the vote, and sign and seal the poll-book, and the sheriff of said election shall return the poll-book to the board of trustees, who shall officially count the vote at the first regular meeting after any election, declare who are elected, and issue certificates of election, which certificates shall be signed by the president of said board and the clerk thereof.

*Time of Qualification.*

§ 15. If the official bond is not given, if one is required, and the oath of office taken within thirty days from the time of the election or appointment of any town officer, the office shall be considered vacant, and the board of trustees shall fill such vacancy by appointment, unless it be for a vacancy in the board of trustees, when the vacancy shall be filled by a special election, as provided in this charter in such case.

*Oath of Office.*

§ 16. All officers of the town mentioned in this charter shall take the oath required by the Constitution of the Commonwealth of Kentucky, and pledge themselves to the faithful performance of their respective duties, and that they will obey the laws and ordinances of said town. The oath of office herein required may be administered by any person duly authorized under the laws of the State of Kentucky to administer oaths.

*Yeas and Nays.*

§ 17. All ordinances, contracts, and orders for the payment of money shall be granted or passed upon a call and record of the yeas and nays: *Provided*, That upon the request of any member the yeas and nays shall be called and recorded upon any subject.

*Town Records.*

§ 18. All the records and official proceedings of the trustees of the town of Bellevue under the first incorporation of the town and the amendments thereto, and under this charter, are hereby declared public records, and shall be entitled to



all faith and credit as such, and certified copies of any such records shall be read in all courts with like effect as other public records: *Provided*, That nothing contained in this charter shall be so construed as affecting in any degree any suit in which said town is now a party, nor shall anything herein contained be construed as validating any claim which has been decided by the Court of Appeals of the State of Kentucky as invalid.

*General Powers of Board of Trustees—Wards.*

§ 19. For the purposes of election and representation, the board of trustees may divide said town into wards as near equal as may be in population and territory, so as to apportion the said representation by trustees equally in each ward. Said board may alter or change said wards from time to time: *Provided*, That no such alteration or change shall be made in less than ninety days before a general or municipal election for members of the board of trustees and other officers, nor shall any such change or alteration be made until the same has been considered in at least two public meetings of said board.

*Physician—Wharf-master—Inspector.*

§ 20. The board of trustees shall have power to elect or appoint, at such time or times, and in such manner as they may fix, by resolution or ordinance, for the period of one year, and until their successors are elected and qualified, one physician, one wharf-master, one inspector of liquors, oils, and other liquids, flour, pork, beef, lard, tallow, weights and measures of coal, wood, lime, and other articles, and prescribe the duties of such officers, and regulate the fees and compensation of the same. The duties of the several officers named in this article, except physician, may be performed by the town marshal by resolution of the said board.

*Gas or other Lights—Water.*

§ 21. The board of trustees may, by a unanimous vote, provide for illuminating the town by gas or other lights, and bind the town by contract for the payment thereof; and shall also have power to provide water for the town, and contract for the same, and bind the town for the payment thereof: *Provided*, That said contracts for gas or other lights, and for water, shall be by a unanimous vote of all the members elect:

*And provided further,* That no greater expense shall be incurred by said town, in any one year, for all purposes, than can be paid for out of the general fund of the town for that year. Any contract made in violation of this provision shall not be binding on said town; but all members of the board voting for a contract for gas or other lights, or for water, in violation of this section, shall be held personally responsible.

*Fire Department.*

§ 22. Said board of trustees are hereby authorized to provide by ordinance for the establishment and maintenance of a fire department in and for said town, with such force, organization, apparatus, engines, and buildings as the said board may deem sufficient; and for said purpose may sink wells, and build cisterns in said town, at such places as they may deem proper; and may provide against defective flues, insecure, dangerous walls, and may compensate the officers controlling and managing said fire department; and may prescribe rules and regulations therefor.

*New Streets and Extensions.*

§ 23. The board of trustees are hereby vested with power and authority to open new streets within the town limits as they now exist or may hereafter be extended, and to extend or widen any of the streets of said town. The necessary right of way for the purpose aforesaid may be obtained by or by writ of *ad quod damnum* in the same manner as land is condemned under the law of the State of Kentucky for for the construction of turnpike, plank, or other roads.

*Street Obstructions.*

§ 24. Said board shall have power to clear the streets of said town, its alleys, sidewalks, or other public places or property, of all obstructions, and may maintain action for trespass and injury done to said streets or other public places or property, and recover damages therefor in the same manner as private individuals may recover in such cases.

*Licenses.*

§ 25. The board of trustees shall, by ordinance, provide for the following licenses to be paid into the general fund with the prescribed penalties for doing business without the required license: (a) For each tavern or hotel, not less than

\$10 nor more than \$25. For each tavern, hotel, coffee-house, drinking saloon, or other place where vinous, spirituous, malt, or fermented liquors are sold by retail, not less than \$100 nor more than \$200. For any other business or employment not herein named, the board of trustees may, by ordinance, designate and fix the rate, and cause a license to be taken therefor as herein provided. No license shall be for a longer term than one year, but may be for a less term by special grant of the board, but at no lower rate than that specified by ordinance for the class, business, or employment of the applicant.

*Delinquent Tax Collector.*

§ 26. The board of trustees are hereby vested with power to appoint a delinquent tax collector for said town to collect delinquent taxes under the annual tax, or under special or street or other assessments. The delinquent tax collector may be the town marshal or town attorney or other person. Said delinquent tax collector shall be under the control of said board, and responsible thereto; he shall execute such bond as said board may require, and perform his duties as required by the resolution or ordinance of said board of trustees.

*Wharves—Ferries—Gunpowder—Public Grounds—Cemeteries—Weights and Measures—Bridges and Culverts.*

§ 27. The board of trustees are vested with full power to control the wharfage and river frontage of said town on the Ohio river; to improve, repair, and extend the same, and prescribe charges for landings and wharfage; to establish and regulate ferries having a terminus in said town, prescribe the charges for crossings, and cause the keeper of the ferry to execute bond in a sum not less than the amount required by the law of Kentucky for keepers of ferries in the State of Kentucky, said bond to be accepted and approved by said board, instead of the county court of Campbell county, as now prescribed by law; to regulate the sale and handling of gunpowder and other inflammable substances; to regulate public grounds and buildings; to establish and control cemeteries, and acquire ground for that purpose; to provide for the weighing, measuring, or gauging of any article or thing sold in said town; to repair and construct bridges and culverts in the streets of said town, and control them when constructed.

*Officers of the Town.*

§ 28. The officers of the town shall consist of six members of the board of trustees and the president of the board, all of whom shall be elected as herein provided at the regular election in March for municipal officers; a mayor, elected at the regular August State election, 1882, and every four years thereafter, as herein provided; a marshal, elected at the August State election, 1882, and every two years thereafter, as herein provided; an assessor, elected annually at March election, 1882, and every year thereafter; a town clerk, elected at regular municipal election, 1882, and every two years thereafter; a treasurer, elected at regular municipal election, 1882, and every two years thereafter. All of the officers named, including those mentioned in section 20, shall perform such duties as are herein prescribed, or such duties as may be prescribed by the board of trustees by ordinance or resolution; and all executive, judicial, and ministerial officers shall give bond to said town, to be approved by said board, and take the required oath before entering upon the discharge of their duties.

*Street Railroads.*

§ 29. The board of trustees shall prescribe by ordinance the terms and conditions upon which the public ways of the town may be occupied by street railroads, and the construction of such roads shall be under the control of said board. Said street railroads shall conform to the grade of the streets as they may be established by said town. Said street railroads, within the limits of said town, are required to keep the street in which or through which they may be laid in repair in the track and two feet on each side of the track; and in the construction or re-construction of any street through which they may run they shall bear such part of the expense of construction, re-construction, or repair, as the civil engineer, appointed by said town to estimate the cost of such construction, re-construction, or repair, etc., shall determine. Before any street railroad shall obtain the consent of the board of trustees to lay a track on any of the streets of said town, a majority of the owners of the real estate along said street, and abutting thereon, shall first sign a petition to said board asking therefor and giving their consent thereto; and all street railroads passing through said town are required to

use flat rails inside of the corporate limits of the town. The town of Bellevue shall possess police jurisdiction over all street railroads inside of the corporate limits of the town.

*Map of the Town.*

§ 30. The board of trustees are hereby empowered to cause a correct map of said town to be made, showing the streets, alleys, ways, wharfage, and river frontage, exact boundary, the size of each lot or part of lot, the front feet and depths thereof, and cause the same to be recorded, and a reference to said recorded map by the number of the lot in the tax bills of said town, or for the purpose of suit, sale, or execution, shall be sufficient evidence of its size and locality.

*Incompatible Offices.*

§ 31. The offices of member of the board of trustees, mayor, marshal, assessor, clerk, shall be deemed incompatible one with either of the others, provided, that a member of the board of trustees may temporarily act as president thereof; and the president of the board of trustees may perform the duties of the mayor under the conditions provided for in this charter. All of the offices mentioned in this charter, except those above-mentioned, may be performed by any of the officers of said town, except that members of the board of trustees shall not fill any other municipal office.

*Temporary Absence.*

§ 32. Said board shall have power to appoint any suitable and qualified person to fill any office, when the officer shall be absent from said town or incapacitated in any way from actually attending to the duties of his office; such appointment to continue only during such absence or incapacity of such officer. The compensation of the appointee may be fixed by said board, and may be deducted from the salary of the officer whose office is temporarily filled.

*Contested Elections.*

§ 33. The board of trustees shall have power to hear and determine all cases of contested elections for town officers, and may prescribe rules by ordinance to govern the conduct of contested election cases.

§ 34. The board of trustees shall have power to appoint a civil engineer for said town, for one year, or for a less period, and fix his salary.

*Town Attorney.*

§ 35. The board of trustees shall have power to appoint annually an attorney at law for said town for the period of one year, whose duty it shall be to attend the meetings of the board of trustees when required, prepare all ordinances when instructed by said board. He shall be the legal counsellor of said board; shall defend and prosecute for said town in all courts of the State of Kentucky in all cases in which said town shall be a party; he shall receive such compensation as the board of trustees may determine.

*County Levy—Poor—Repair of Streets, etc.*

§ 36. No county levy shall be made on any person or property in Belleview, but all expenses, such as repair of streets and taking care of the poor in the corporate limits of Bellevue, etc., which would otherwise have been paid out of the county levy, shall be paid out of the general fund of said town.

*Ordinances—Power to Pass Ordinances.*

§ 37. The board of trustees of the town of Bellevue are hereby granted full power, and vested with complete authority to pass all ordinances and resolutions for the police regulation, and to further the good order and well doing of said town, and to carry out the provisions of this charter: *Provided*, No ordinance shall be passed which conflicts with the Constitution of this State nor of the United States.

*Style of Ordinances—How Passed.*

§ 38. The style of all ordinances shall be, "Be it ordained by the board of trustees of the town of Bellevue." All ordinances, before becoming effectual, shall be signed by the president of the board, or he refusing, the ordinance shall be passed by a two-third vote of all the members elect. All ordinances, resolutions, or by-laws not otherwise regulated herein, shall be passed by a majority of said board, and shall be upon a call and record of the yeas and nays.

*Ordinances Continued—Title—Amendments, etc.*

§ 39. No ordinance shall be passed until it shall have been read at two several meetings, and free discussion allowed thereon; but the two several meetings may be dispensed with by a unanimous vote of all members present, upon a call of the yeas and nays. No ordinance shall embrace

more than one subject, or subjects connected therewith in carrying out the ordinance, and that subject shall be expressed in its title. No ordinance shall be amended without repealing it.

*Penalties Attached to Ordinances.*

§ 40. The board of trustees shall have power to pass ordinances and attach penalties in the nature of fines for the infraction of any such ordinance, not to exceed one hundred dollars for each offense, or imprisonment in the town jail not exceeding six months, or both such imprisonment and fine, in the discretion of the court trying the case; but in no case shall a less fine be imposed than that prescribed by the General Statutes of Kentucky for the same or similar offenses.

*Posting Ordinances.*

§ 41. All ordinances shall be posted by town clerk or town marshal, in ten days after their passage, in at least three conspicuous places in said town; and no penalty attached to an ordinance, for an infraction thereof, shall be enforced until the said notices shall have been posted, or until ten days after the passage of the ordinance.

*Miscellaneous Provisions.*

§ 42. The board of trustees shall have power to provide means for the suppression of houses of ill fame, for the suppression of riots, routs, or disturbance of the public peace, interference with religious assemblages, and the suppression of everything of an unlawful character, or anything which may tend to the discomfort of said town or the citizens thereof. They shall have power to prohibit hogs, cattle, and other animals from running at large; to prescribe by ordinance the duties, oaths, and bonds of all officers of the town.

*Board of Health.*

§ 43. The board of trustees shall have power to appoint a board of health, and confer the necessary power on said board for the prevention or spread or abatement of all contagious or other diseases; they may establish quarantine and a pest-house, and prescribe who shall be placed therein, and provide regulations and officers therefor.

*Nuisance.*

§ 44. The board of trustees shall have power to define nuisances, and to cause the removal or abatement of any nuisance

within said town; and after due notice, they may cause any nuisance to be removed, or abate the same if the owner or occupant of the premises upon which such nuisance exists shall fail or refuse to comply with such ordinances as may be passed in relation thereto. Such removal or abatement by said town shall be done at the cost of such owner or occupant: *Provided*, That if the owner of any premises upon which a nuisance exists is a non-resident of the State of Kentucky, or absent therefrom, and has no agent in this State on whom a notice may be served, the nuisance, when so declared and proven, may be abated or removed without notice; but the cost of such removal or abatement shall be at the cost of such owner.

#### *Annual Tax*

§ 45. The board of trustees of the town of Bellevue are hereby vested with power, by ordinance, to levy and collect an annual tax upon all real, personal, and mixed property within the corporate limits of the town of Bellevue, including bank stock, bridge stock, money in possession, notes, bonds of all kinds, except United States bonds, choses in action, improvements, and all manner of property whatsoever, not to exceed the sum of one dollar on each one hundred dollars' valuation of said real, personal, and mixed property in one year. The revenue thus collected shall be divided, in the ordinance levying the tax, into two funds, to be called the "general fund" and the "school fund." The school fund shall not be less than thirty cents on each one hundred dollars of valuation, and the general fund shall not exceed seventy cents on each one hundred dollars of valuation of each year. The treasurer of said town shall keep each fund separate and distinct.

#### *Lien for Taxes.*

§ 46. The town of Bellevue shall have, and is hereby granted, a lien on all the real and personal property in said town for taxes and assessments made thereon as herein provided, and may enforce the same by suit in the Campbell chancery or Campbell circuit court, as other liens are enforced, and may, at the same time, recover personal judgment against the person assessed; and personal judgment for said taxes and assessments may be recovered in the mayor's court of said town, where the matter in controversy does not exceed



one hundred dollars. All errors of assessment may be corrected by the board of trustees before suit, or by the court after suit is instituted.

*Assessment—Taxation.*

§ 47. The assessment of taxes herein provided shall be made as of the first day of April in each and every year, and return thereof made by the town assessor on or before the twentieth day of April in each year. On or before the twentieth day of April in each year the books of the assessor shall be returned to the office of the town clerk, and shall there remain free and accessible to the inspection of tax-payers for the space of one week. At the end of said time the assessor's books shall be given, by the town clerk, to the board of trustees for supervision and correction. The board of trustees shall sit as a board of supervisors or equalization, and shall have power over the said tax-lists to correct errors of any kind, list omitted property, and raise or lower the assessment: *Provided*, That no property shall be raised in its assessment by said board until the owner, if he be a resident of this State, or his agent, if he have one in this State, shall be notified of such increase, and the time at which he is to appear before said board in regard thereto. The notice herein required may be served by the town marshal or other person. Upon the failure or refusal of any one notified to appear, and after hearing testimony, said board may proceed to assess the property as they shall deem best. Said board of equalization shall be sworn before they commence their duties. The board of equalization, as herein constituted, shall consist of the board of trustees of said town. The president of the board of trustees shall, by virtue of his office, be president of the board of supervisors, and the town clerk shall be the clerk of said board of equalization. They shall convene at the council chamber of said town on the first Monday of May in each year, and shall remain in session for at least six days, at such hours as they shall deem best for the convenience of the citizens of Bellevue. A quorum for the transaction of business shall consist of at least three members of the board: *Provided*, That the board of trustees may at any time, after sitting as a board of equalization, for good cause, relieve from any wrongful assessment, or release from any penalty, upon

a two-thirds vote of all the members elect. Said board of equalization shall enter upon the assessor's books their corrections, and after completing their work, sign said books. The board of trustees shall, after said work is completed, meet, and from the statement of the town treasurer, or from their own knowledge of the indebtedness of the town, pass the annual ordinance for levying and collecting of the taxes for that year by said assessor's corrected lists, and direct the town clerk to make out the tax bills in accordance therewith. Said tax ordinance shall specify the rate of taxation on the one hundred dollars valuation, the amount to be set apart for the general fund, and the amount to be set apart for the school fund, not in any event to exceed one dollar on the one hundred dollars of valuation of the property in said town for all purposes, and the rate of taxation of goats and other animals not included in the assessor's returns.

*Tax Bills.*

§ 48. The tax bills above specified shall be made out in a book to be provided for that purpose, with stubs attached, which last shall be a duplicate of the tax bills against the tax-payer, specifying each item of taxation, the value thereof, and the tax imposed. Said bills shall be for the yearly payments of taxes due said town on the property named, due on or before the fifteenth of August in each year, and shall be made out by the town clerk on or before the first day of July in each year, or within fifteen days after the passage of the annual tax ordinance herein provided, and deliver the same to the town treasurer in said book above provided, taking his receipt for the gross amount of taxes in said book. The treasurer, upon receipt of said book shall, within ten days, and before the tenth day of July in each year, post notices in at least ten places in said town, or in a newspaper having the largest circulation in said town, that the tax bills of the current year are in his hands for collection, and that in default of payment on or before the fifteenth day of August, the penalty prescribed by ordinance shall be attached; said bills shall be indorsed by the treasurer, and all bills remaining in his hands on the first day of September in each year unpaid, shall be indorsed by him "delinquent," and returned to the town clerk; and all such bills found in such tax-lists returned by said clerk shall be credited to the treasurer on

his said receipt. The town clerk shall thereupon proceed to attach the penalty prescribed by ordinance to each tax bill, not exceeding twenty per cent. penalty and interest, and re-deliver the said tax back to the treasurer, who shall receipt therefor. All delinquent tax bills remaining unpaid may be added, with the penalty thereon, to the next annual tax duplicate, and constitute a part thereof, and may so continue to be added to the annual tax duplicates until the board of trustees shall otherwise determine, or said tax bills may, at any time after the first penalty has been added to said tax bills, order the said tax bills to be committed to a delinquent tax collector, who may be the mayor or marshal or other person, who shall receipt for said bills and give bond, to be approved by said board, for all money collected on said bills by said collector. Said collector shall proceed to collect said bills within the time prescribed by ordinance, or said board may, at any time, order suit to be brought to enforce the lien granted by this charter upon the personal or real estate, or both, in said town, for taxes thereon, in the Campbell chancery or Campbell circuit court, as other liens are enforced; or for personal judgment against the tax-payer for said taxes in either of said courts, or personal judgment for said taxes due said town, may be obtained before the mayor of said town, when the amount in controversy does not exceed one hundred dollars.

*Special School District.*

§ 49 The town of Bellevue shall constitute one school district, and shall be under the control and management of the board of trustees of said town in matters both appertaining to the officers of the schools of said town, the teachers thereof, the studies to be pursued, and its fiscal affairs. Said town shall maintain a system of public schools in which all white children between the ages of six and twenty years may be taught at the public expense. The president of the board of trustees shall annually appoint a committee, consisting of not more than three members of the board of trustees, one of whom shall be the chairman thereof. Said committee shall be called the "School Committee;" and they shall perform such duties as the "School Trustees" under the provisions of the common school law of Kentucky, in addition to the duties herein required. Said committee shall visit the schools of said town at least once in every month, and keep the board

advised of the condition and wants of said schools. Said board is vested hereby with the power and duty of appointing annually a "Board of Examiners," whose duty it shall be to examine all applicants for positions in said schools as teachers, under the regulation of said board, by ordinance prescribing the course of study in said schools, the topics upon which teachers shall be examined, etc. Said board of examiners shall examine applicants for positions in said schools for teachers, and give certificates to those whom they find worthy, after due examination, and such certificates shall be in lieu of the certificate allowed by the county board of examiners; and the board of trustees shall exercise the same powers over said schools as the school commissioner over the county schools, under the laws of the State of Kentucky; and no application for a position as teacher in the public schools of Bellevue shall be entertained by the said board of trustees until the applicant has obtained a certificate from said board of examiners, showing his qualifications for the position for which he has applied. Said certificate shall accompany the application to said board of trustees of said applicant. The board of trustees shall choose from the applicants holding certificates from said examining board of their competency and good moral character, and annually elect the necessary superintendent, principals, and teachers, as shall be regulated by said board of trustees, and fix the salaries of such teachers, etc.; and may, at any time, dismiss or suspend any teacher or superintendent, etc., for good cause shown, after charges preferred, and trial had before said board of trustees; notice of such trial, not less than ten days before the trial, shall be given by said board to the teacher, etc., against whom charges may have been preferred; any two trustees may prefer the charges. The board of trustees shall prescribe the branches of education to be taught, the necessary qualifications, and the mode of examinations of teachers; prescribe the grades; fix the number of pupils to be admitted to each school; fix the boundaries of school districts, and permit children outside of the corporate limits of the town to be admitted into said public schools, and fix the tuition to be paid by them; and have general power, by ordinance, to prescribe rules for and govern said schools as they shall deem best for the good of said schools and the town of Bellevue. No book inculcating any form of religious belief

shall be used, and no catechism or religious belief shall be taught in said school, nor shall such school be conducted in such a way as to interfere with the religious faith, creed, or belief of either pupils or parents. Any teacher offending in any such case last above alluded to, shall be notified to appear before said board, and if, upon trial as herein provided, it shall appear that any teacher has disobeyed the injunction above stated, he shall be dismissed. Said school committee shall, on or before the second Monday of April in each year, ascertain the amount of money necessary to be used in defraying the expense of the said public schools for the ensuing scholastic year, including salaries of teachers and officers, repairs and improvements, and past indebtedness from the last year, if any; and the amount to be received from the State of Kentucky from the common school fund; and shall make written report of said estimates and facts to the board of trustees before the annual tax ordinance is passed. Said board of trustees shall thereupon make the necessary levy, not to be less than thirty per cent. of the annual tax levy, to defray the expenses of said schools, as shown by said report, adding at least ten per cent. to the amount thus reported to cover all deficiencies in collection; and the said school apportionment shall be collected at the same time, and in the same manner, as the general fund of said town, and the school fund and general fund shall be added together, and constitute a certain per cent. on the tax-bills, and when collected and paid to the treasurer, the per cent. given by ordinance to the school fund and the per cent. given to the general fund shall be kept by said treasurer separate and distinct, and the school

- fund shall be drawn upon only for orders to be paid out the school fund for school purposes. The treasurer of the town of Bellevue shall be the treasurer of the school fund, and shall stand responsible in his official bond for the proper disbursement of all school funds coming into his hands; and the money derived from the "Common School Fund" of the State of Kentucky shall be paid to the said treasurer, instead of to the school commissioner of Campbell county, as at present. The superintendent or principal and teachers of the said public schools shall report, in writing, to the first regular meeting of the said board in each month, showing the number of pupils present in their room and in the schools, the number entered, the number withdrawn, the number ab-

sent and tardy, and such other facts as they may deem proper for the consideration of said board; and said superintendent, teacher, etc., shall perform such other duties as may be prescribed by said board. The school committee, at the end of the scholastic year, shall report to said board the condition of said schools, showing the number of pupils during the term, the expulsions, and whatever else may be deemed advantageous to the schools for the action of said board, including the progress of said schools, and the state of the school fund. The board of trustees are vested with full power to govern said schools, the school committee, officers of said schools, and board of examiners. Said board of trustees may provide and set apart a portion of the school fund above provided, to be annually levied and collected, for the support of separate schools, wherein may be taught colored children residing in said town, to be taught as herein required for white children. Said schools for colored children, when established, to be in all respects governed and controlled as specified in this section for white children. All of said schools shall be visited by the said school committee monthly, and shall be under the control of said board of trustees, instead of under the control of the school commissioners of Campbell county, as heretofore.

*Public Officers—Public Records—False Entries—Embezzlement, etc.*

§ 50. All books belonging to the town of Bellevue shall be surrendered by the officer having charge thereof to his successor; and if any officer shall keep the accounts of the town, or any memoranda thereof, in his own books, such books shall be open to the inspection of said town or its officers at any time. Any officer of said town of Bellevue who shall make, or permit any one to make, false entries in any record of the town under his charge, or shall embezzle or use or misapply any money or property belonging to said town, shall, upon conviction thereof, be removed from office, shall be deemed guilty of a misdemeanor, and subject to a fine not exceeding five hundred dollars, or imprisonment not more than twelve nor less than one month, or both such fine and imprisonment, in the discretion of the jury trying the offense.

*Original Construction of Streets.*

§ 51. The board of trustees shall, upon petition of the property-holders who shall own at least one half of the property on the street, avenue, alley, way, or common, cause the street, etc., petitioned for to be graded, improved, or constructed, when the said street, etc., shall be an unimproved street, etc., as hereinafter set forth; and to levy and collect a special tax for defraying the cost and expense of the same by an equal assessment on the front foot bounding and abutting on said street, etc., so proposed to be improved; or said board of trustees shall have power, without any such petition, by a unanimous vote of all the members elect of the board of trustees, upon a call of the yeas and nays, to order and require the original improvement of any street, alley, etc., in said town, and to levy and collect the special tax therefor, and a lien is hereby allowed on the property abutting on any street, etc., improved as required by this section, for the payment of the special tax therefor, as estimated by the civil engineer of said town. No mistakes or errors in any of the proceedings in regard to any such improvements of streets, etc., or the collection or enforcement of the cost and expenses thereof, nor of the proceedings for general taxes, shall defeat the said town in enforcing its claims; but any such mistakes or errors may be corrected upon equitable principles by said board before suit, or by the court after suit is instituted; and the proper amount shall be enforced as though no such error had occurred. The special taxes for making or improving of any street, alley, etc., shall include grading, paving, macadamizing, curbing, graveling, bouldering, and all costs and expense of the work and material. The expense of making, improving of any street, alley, etc., as above, in the town of Bellevue, including all work and material thereon, shall be a lien and charge upon the private property fronting or abutting upon such improvement, in equal proportion to the frontage thereof, and against the respective owners of said property, from the time of the letting of said work; and for the enforcement thereof, the board of trustees shall audit and fix the amount chargeable against such owners respectively and their abutting property as aforesaid; but in no case shall said town be responsible for any such work: *Provided, however,* That this special tax shall be levied only for the original

making or improving of any street, etc., and not for reconstruction; and as soon thereafter as may be the clerk of said town shall accordingly make out bills for the respective amounts, designating the person and property chargeable therewith, and deliver such bills to the treasurer for collection, taking his receipt therefor. Thereupon it shall be the duty of said treasurer to post notices in at least three public places in said town, showing that the bills are in his hands for collection. If any such bills shall remain unpaid at the end of thirty days after the posting of such notices, they shall be returned by said treasurer to the clerk of said town as delinquent. It shall be the duty of the treasurer to return to the clerk of said town a copy of such notice, showing by such returns the day upon which he posted them, which return shall be *prima facie* evidence of the facts. Upon the return of any such bills delinquent, they shall, in lieu of other penalties, be subject to a penalty in the nature of interest at the rate of not more than fifteen per cent. per annum from the time of such return until paid, and shall be subject to such further proceedings for collection, by suit or otherwise, as said board of trustees may direct. Suit may be prosecuted upon any such bill or bills against the person, for or enforcing the lien upon the property, or both, and judgment accordingly had for the principal, interest, and costs. If any such lien shall embrace more than one parcel of real estate, the said lien may be considered as one lien upon the whole of such property, and the lien enforced accordingly. A copy of any such delinquent bill, and of its indorsements, attested as such by the town clerk, and a copy of such notice and return of the treasurer thereon, shall be *prima facie* evidence of the correctness of such claim.

*Re-construction of Streets.*

§ 52. The board of trustees shall have the control of the reconstruction, repair, and cleaning of streets of the town of Bellevue. The expenses of any such reconstruction, repair, or cleaning of streets shall be paid out of the "general fund" of said town. Before any street or alley, etc., shall be reconstructed, repaired, or cleaned, the same shall be recommended by at least four trustees of said board and the engineer of said town.



*Vote of Citizens in regard to Gas and Light and Water Ordinances.*

§ 53. Before passing any ordinance in regard to fire or light, or for water for said town, as provided by section twenty-one, the trustees may submit the question of gas or light or water, as the case may be, to the voters of said town for approval or rejection.

*Sidewalks.*

§ 54. The board of trustees shall have power, by ordinance or resolution, to cause the construction and repair of all sidewalks in said town at the cost of the owners of the lots abutting on said sidewalks, and may, after notice given and failure of the owner to comply with said ordinance or resolution, construct or repair the same at the expense of the owner of the lot abutting on said improvement. Said sidewalk shall be done under contract, and by sealed bids, and given to the lowest and best bidder, and the cost of the work on the sidewalk shall be a lien on the abutting property for the payment thereof, and may be enforced as other liens are enforced. Said board shall prescribe the materials of which said sidewalk shall be composed, and estimate the cost thereof through the report of the engineer of said town.

*Voters.*

§ 55. All voters for town officers shall be citizens who have resided in the State of Kentucky two years, or in the town of Bellevue for one year next preceding the election. When the town shall be divided into wards as herein provided, the voters for officers elected by wards shall have been residents of the several wards in which they offer to vote for one month before any such town election.

*Executive, Judicial, and Ministerial—Mayor.*

§ 56. The executive department of the town of Bellevue shall consist of the mayor and the marshal. The mayor shall be elected on the first Monday in August, 1882, and every four years thereafter, by the qualified voters of said town, and shall serve until his successor is elected and qualified. He shall possess the same qualification, shall be elected at the same time, in the same manner, and hold his office for the same term, as the county judge of Campbell county. He shall have police, civil, and criminal jurisdiction within the

limits of the town of Bellevue, and in civil cases shall have the same authority and powers as are possessed by justice of the peace in the State of Kentucky, and in criminal cases he shall have the same power and authority as a justice of the peace, and may sit as an examining court in all cases of felony or misdemeanors, with like powers as the judge of the Campbell county court. In civil cases he shall have jurisdiction where the amount claimed does not exceed one hundred dollars. His day for hearing causes shall be on Saturday of each week. He shall exercise a general supervision over all the executive and ministerial officers of the town, and shall take care that the laws, resolutions, and ordinances of the town are faithfully executed, and shall perform such other duties as may be prescribed by the board of trustees by ordinance or resolution not inconsistent with this charter. He shall be the chief executive officer of the town, and when deemed necessary for the preservation of order, the enforcement of the laws and ordinances of the town, preservation of life or property, and to avert calamity of any kind, he may call upon the civil and military, or any of the citizens, and order them into service under his command. He shall, from time to time, give the board of trustees information of the state of the town, and recommend such measures as he may deem important for their consideration. Should the mayor become temporarily disabled, or be absent from said town, his duties shall be performed by the president or acting president of the board of trustees. He shall keep a minute-book, a civil docket, and a criminal docket, to be provided by the board of trustees, and appeals from his court shall be in civil cases directed to the Campbell circuit court, and in criminal cases to the criminal court of Campbell county. By virtue of his office, he shall be police judge of the town of Bellevue, and as such, issue process and hear and determine causes. He shall report on or before the first Thursday of March in each year to the board of trustees all fines collected by him due said town, and all other moneys held by him for said town, and pay the same over to the treasurer thereof. He shall receive such salary as the board of trustees shall determine, and shall be entitled to such fees as justices of the peace are entitled to in similar cases. He may appoint a clerk to act under him, or he may be the clerk of his own court. Before entering upon the duties of his office, he shall

take the required oath of office, and execute like bond as the county judge of Campbell county; said bond to be approved by said board of trustees.

*Marshal.*

§ 57. The town marshal shall be elected at the same time and shall have the same qualifications, and shall be elected by the qualified voters of said town, and shall be elected in the same manner and he shall hold his office for the same time as the sheriff of Campbell county. The first election for marshal under this charter shall be at the regular State election, the first Monday in August, 1882, and every two years thereafter. Before entering upon the duties of his office, he shall take like oath and execute like bond as required by the Constitution and laws of this State for sheriff; said bond to be approved by the board of trustees. He may, by the approval of said board, appoint such deputies as shall be required. He shall perform the duties of chief of police of the town of Bellevue, and shall perform such other duties as may be prescribed by the board of trustees by ordinance, not inconsistent with this charter. He shall, by himself or deputy, attend all sessions of the mayor's court of said town, and perform similar services therein required of sheriffs or constables in other courts of this State, and with like power execute all processes and orders, levy all executions, and serve all notices emanating from and within the jurisdiction of said Mayor's court; and his returns thereon shall be entitled to the same construction as that given to sheriffs for similar duties. He shall collect all fees and penalties of said court, and account for the same to the mayor, and at the end of each month pay over to the town treasurer all fines, penalties, forfeitures on recognizances, and penal bonds recovered in the mayor's court, to which the said town shall be entitled. He may serve any penal or civil process of any court within the corporate limits of the town of Bellevue, and may exercise all the powers of a constable in Campbell county. He shall be entitled to receive such fees for his services as sheriffs receive for similar services, and shall receive such salary as the board of trustees may annually determine. He shall, by virtue of his office, be the sergeant-at-arms of the board of trustees, attend all meetings of said board, see that order is preserved; and it shall be his duty to report to the mayor all infractions of the law or ordinances of said town,

and see that peace and good order are maintained in said town, and shall, until otherwise directed, have control under the board of trustees of the jail of said town.

*Clerk.*

§ 58. The town clerk shall be elected on the first Monday in March, 1882, and every two years thereafter. He shall possess the same qualifications as prescribed for members of the board of trustees. He shall, before entering upon his duties, take the prescribed oath, and execute such bond as the board of trustees may require. He shall be the custodian of the public records of said town; shall keep a complete record of the proceedings of the board of trustees. He shall make out all tax-bills, and keep the account of each taxpayer with the town as shown by the assessor's books. He shall keep an account of the final disposition of delinquent tax-bills, and keep the account of all the officers of the town, contractors, or others doing business with or under said town, and shall, at the first regular meeting of the board of trustees in March of each year, give a detailed statement of the receipts and disbursements, and an abstract of the entire business of the board of trustees for the last year. He shall make out all licenses or permits, and receive such fee therefor as the said board may designate. He shall receive such compensation for his services as the said board shall annually determine. He shall be furnished by said board with all the books and stationery necessary for his office. He shall keep the treasurer of the town notified of all notes issued by said town, the amount, fund drawn upon, and name of payee, and perform such other duties, not inconsistent with this charter, as may be prescribed by ordinance or resolutions of said board.

*Treasurer.*

§ 59. The treasurer of the town of Bellevue shall be elected at the March election, 1882, and every two years thereafter. He shall be the legal custodian of, and be responsible for, all money or other funds coming into his hands belonging to said town. He shall possess the qualification of a member of the board of trustees, and shall give such bond as shall not exceed the total amount of the revenue of said city for any one year, not to exceed \$10,000. He shall not pay out any money or funds belonging to said town, except upon the order of the

board of trustees, signed by the president of the board and countersigned by the clerk, said order showing out of what fund it is to be paid, to whom paid, and for what purpose. Such order shall be his voucher in his annual settlement with said board, which settlement shall be made with a committee or other persons appointed by said board, not later than the second regular meeting in March in each and every year. The bond herein required shall be approved by said board, and the sureties thereon shall be residents of the State of Kentucky, and shall be worth in real estate, unincumbered, at least double the amount required by said bond. Said treasurer shall, at the first regular meeting in each month, report the state of the town treasury, showing the receipts and disbursements of the preceding month, keeping each fund separate, as may be by the board prescribed; and he shall, at the first regular meeting of said board in March of each year, give to said board, in writing, a detailed statement of the state of the treasury, showing the receipts and disbursements for the year past. He shall keep the board advised of all moneyed liabilities of said town, the amount and time due, and shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance. He shall receive such salary as the board may annually determine.

*President of Council.*

§ 60. The president of the board of trustees shall be elected at the regular municipal election, on the first Monday in March, 1882, and every two years thereafter. He shall possess the qualifications of a member of the board of trustees, and, by virtue of his office, shall be a member thereof; shall preside at all regular and special meetings of said board when he is present; shall have the deciding vote; shall preserve and enforce order, and, in conjunction with the mayor, see that the laws and ordinances of the town are enforced; and in the absence of the mayor, or in case of inability of mayor, from any cause, to act, the president of council may perform all the duties of the mayor. He may call special meetings of the board upon questions demanding immediate action. He shall not sign any order for the payment of money unless the report of the treasurer shows that there is money sufficient to pay the order out of the fund upon which the order is drawn, and shall perform other duties prescribed by order of the board of trustees.

*Assessor.*

§ 61. The assessor of said town shall be elected by the qualified voters therein on the first Monday in March, 1882, and annually thereafter. He shall commence his duties on the first Monday in April in each year, and before entering upon the duties of his office he shall take the oath prescribed for all officers of the town, and give bond with good security, worth at least one thousand dollars, for the faithful performance of his duties; said bond to be approved by the said board. All property shall be valued on the first day of April in each year. He shall assess all real, personal, and mixed property, placing a fair cash value on the same. He shall finish his labors as assessor on or before the twentieth day of April in each year, and report to the board of trustees, and present his assessment book to them. Said board of trustees shall thereupon resolve themselves into a board of equalization, and they are hereby constituted as such to revise and correct, or list any omitted name or estate, or both. The assessor shall receive such pay as the board of trustees shall determine, and in such manner, either by salary or by paying him for each list; but said salary or rate shall be fixed before his election. He may, by consent and approval of said board, appoint one or more deputies.

*Jail and Jailer.*

§ 62. The building now used as a town jail is vested in said town as now constituted, and shall be controlled by the board of trustees, who may prescribe by ordinance for its care and repair, and appoint a jailer, or commit the care thereof to the marshal of said town by resolution or otherwise; and until otherwise determined by said board, said jail shall be under control of said marshal. All persons under sentence from the mayor's court, or the court of any justice of the peace in said town, may be confined therein, except in cases of felony, when the prisoners shall be confined in the county jail of Newport. The fees allowed by the laws of Kentucky to jailers are given to the keeper of said town jail for similar services.

§ 63. This act shall be in force from and after its passage.

Approved March 4, 1892.

## CHAPTER 356.

AN ACT to prohibit the sale, procurement, loaning, or giving any spirituous vinous, or malt liquors, or any mixtures thereof, in the town of Trenton, Todd county, Kentucky, or within two miles of the corporate limits thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That from and after the passage of this act, it shall be unlawful for the judge of the Todd county court, or the trustees of the town of Trenton, to grant a license to any person or persons to sell any spirituous, vinous, or malt liquors, or any mixtures thereof, within said town, or within two miles of the corporate limits thereof.

§ 2. That it shall be unlawful for any druggist or other person to sell, procure for, furnish, loan, or give to any person or persons any spirituous, vinous, or malt liquors, or the mixture thereof, upon the prescription or order of any physician, or otherwise.

§ 3. Any person who shall vend or sell, procure for, furnish, loan, or give any spirituous, vinous, or malt liquors, or any mixture thereof, in the town of Trenton, or within two miles of the corporate limits thereof, shall be fined not less than one hundred dollars for each offense, to be recovered by suit brought in a magistrate's court in the name and for the benefit of the trustees of the town of Trenton.

§ 4. Nothing in this act shall be construed as forbidding the sale of wine, to be used for sacramental purposes.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 6, 1882.

## CHAPTER 358.

AN ACT for the benefit of J. W. Cochran.

WHEREAS, J. W. Cochran is the owner and holder of witness certificates against the Commonwealth to the amount of one hundred and thirty-six dollars and seventy-four cents, which claims were rejected by the Auditor as barred by the statute of limitations ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts shall audit and

pay to said Cochran the sums found to be due on said certificates as if the same were not barred by lapse of time, and the Auditor is authorized to draw his warrant on the Treasury for the sum found due him.

§ 2. This act to take effect from its passage.

Approved March 6, 1882.

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#### CHAPTER 359.

AN ACT to annex the farm of Pat. Rush to Hart county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the farm of Pat. Rush, situated near Leesville, in Hart, Larue, and Hardin counties, and which said farm is now divided by the line between Hart, Larue, and Hardin counties, be, and the same is hereby, annexed to and included altogether in Hart county.

§ 2. This act shall take effect from its passage.

Approved March 6, 1882.

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#### CHAPTER 361.

AN ACT to repeal so much of an act, entitled "An act for the benefit of the clerks of the county courts of Lewis, Montgomery, Clark, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson," as applies to the county of Montgomery.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of an act which passed the Senate on the 25th day of March, 1872, and the House of Representatives on the 26th day of March, 1872, and which became a law without the approval of the Governor, by reason of his failure to return the same to the House in which it originated within the time prescribed by law, entitled "An act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson," as applies to the county of Montgomery, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after the 1st of September, 1882.

Approved March 6, 1882.



## LAWS OF KENTUCKY.

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### CHAPTER 363.

AN ACT increasing the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth, and to apply the provisions of said act to the county of Bourbon.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act increasing the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth (Acts of 1873-'4, volume 1, page 15), be, and the same is hereby, amended, by inserting after the word "Washington" the word "Bourbon," and by applying all the provisions of said act to the said county of Bourbon.

§ 2. This act shall take effect from its passage.

Approved March 6, 1882.

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### CHAPTER 365.

AN ACT to extend the limits of Lawrenceburg.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the corporate limits of the town of Lawrenceburg, in Anderson county, be, and are hereby, so extended as to include the whole of A. C. Witherspoon's purchase from the Driskills of seventy-one acres, excepting the neck of twelve acres that runs into T. H. Hanks' lands, said extension being known as A. C. Witherspoon's addition to the town of Lawrenceburg.

§ 2. This act shall take effect from its passage.

Approved March 6, 1882.

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### CHAPTER 366.

AN ACT to amend the charter of the New Castle Cemetery Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the New Castle Cemetery Company is hereby empowered with right and authority to sell and convey, with covenant of general warranty, to John W. Matthews, any

portion of the land now owned by said company that he has or may hereafter purchase from it.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1882.

### CHAPTER 368.

AN ACT for the benefit of common school district No. 63, Jefferson county.

WHEREAS, Twenty-three children of pupil age were erroneously omitted from the census report of common school district No. 63, Jefferson county, for the present school year, ending June 30th, 1882; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor of Public Accounts in favor of the common school commissioner of Jefferson county for the sum of thirty-two dollars and sixty-six cents (\$32.66), to be paid out of the common school fund for the present school year ending June 30th, 1882.

§ 2. This act shall take effect from its passage.

Approved March 6, 1882..

### CHAPTER 370.

AN ACT to incorporate the town of Ezel, in the county of Morgan.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby incorporated the town of Ezel, with corporate limits to the same, viz: Beginning at Eli Pieratt's southeast corner of his farm, thence north a straight line to a gum, same course, far enough to include R. M. Pieratt's house and barn to a stone; thence west to a spring on bank of the branch; thence south to a rock on road from Ezel to Frenchburgh, southeast with the top of ridge to the Pres. Sexton house seat; thence a straight line to beginning.

Boundary.

§ 2. There shall be elected annually, on the first Monday in May, by the legal qualified voters of said town, five trustees for said town of Ezel, and a mayor and town marshal. Said trustees shall have perpetual succession, who, in their

corporate name aforesaid, shall have power and capacity to sue and be sued, implead and be impleaded, grant and receive, by their corporate name, and do all other acts as natural persons may do, and as such may make and enforce all needful by-laws and rules for the government and regulation of said town, not inconsistent with the Constitution or laws of the State or of the United States; and they do and perform all needful acts to promote and carry out the chief object of this corporation, to-wit: the improvement of said town and its good government; one of said trustees, to be by them chosen, shall be president of the board. but a majority President.  
may act.

§ 3. All qualified voters living inside the limits of said town, or owning real estate therein, shall be entitled to vote Voters.  
in the election of trustees and all other town officers; but no person shall be eligible to the office of trustee but real estate owners in said corporate limits.

§ 4. The trustees, when elected, shall continue in office for Term.  
one year, and until their successors are qualified, and shall take an oath to faithfully discharge all the duties pertaining to their office.

§ 5. The said trustees shall have power over the streets, Powers.  
alleys, and sidewalks of said town, and may direct and order the improvement of the same as they may deem best for the interests of said town. They shall have power to levy and collect an ad valorem tax on the property of said town, not exceeding twenty-five cents on the one hundred dollars in any one year. They shall have power to tax all auction sales, shows, and exhibitions for money or profit, such sums as they may deem just, or as may be provided in their by-laws. They shall have power to declare what are nuisances, and to remove the same; and to pass all by-laws and ordinances necessary to give effect to all the powers herein granted.

§ 6. That it shall be the duty of said trustees to appoint a Officers.  
clerk and treasurer, and by ordinance define their duties, and shall require the treasurer to give bond for the performance of his duties.

§ 7. All taxes levied and collected by said trustees, and all fines and forfeitures for violation of by-laws and ordinances of said town, shall be paid to the treasurer for the benefit of said town.

§ 8. No money shall be drawn from the treasury, except by the order of the president of the board of trustees in pursuance of their orders of said board.

Assessor. § 9. The trustees may annually appoint an assessor to take a list of all the taxable property in said town.

Mayor—term. § 10. The mayor, when elected, shall hold his office for one year, and until his successor is qualified. Said mayor shall, by virtue of his office, be a conservator of the peace; and before he enters upon the discharge of his duties take an Oath. and shall take such other oaths as are required of justices of the peace. The mayor shall have concurrent jurisdiction with the justices of the peace in Morgan county, and be entitled to the same fees. The mayor shall have jurisdiction within the limits of said town of all infractions of the by-laws and ordinances of said town. A vacancy in the office of mayor shall be filled by the trustees of said town, the appointee to hold office until the succeeding regular election.

Marshal § 11. The town marshal, when elected, shall hold his office for one year, and until his successor is qualified; and before entering upon his office take the same oaths required of constables of Morgan county; and in the county court of Morgan county execute bond, with good security, the same as required of constables, with the further covenant that he will perform all the duties of marshal of said town according to law. The marshal shall have concurrent jurisdiction with constables in Morgan county, and be entitled to the same fees for his services; it shall be the special duty of said marshal to execute all processses issued for an alleged violation of by-laws and ordinances of said town, and to promptly collect all taxes, fines, and forfeitures, and pay the same to the trustees of said town.

By-laws. § 12. The trustees are empowered to pass such by-laws and ordinances which do not contravene any law of this Commonwealth as may be necessary for the good government and well-being of said town, and to fill any vacancy in any office created by this act.

Prohibition. § 13. Said trustees shall have no power to grant any license to coffee-houses of whisky dealers in said town.

§ 14. This act shall take effect from and after its passage.

Approved March 6, 1882.

CHAPTER 371.

AN ACT to incorporate the Farmers' Bank, in Todd county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established in the town of Trenton, Kentucky, a bank of discount and deposit, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by name and style of "Farmers' Bank," and may so continue for the period of twenty years after its organization.

§ 2. Said bank shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering, and defending, in all courts and places whatsoever.

§ 3. Said bank may have a corporate seal, and change the same at pleasure.

§ 4. The corporation shall be under the control of five directors, who shall be stockholders residing in the State, and chosen by representatives of the stock, each share counting one vote, and each director must receive a majority of votes in order to his election, but no unpaid for stock shall be represented in any election. Said directors shall hold office till their successors are appointed or elected.

§ 5. The board of directors shall elect one of their number as president of the bank, who shall receive a majority of the votes of the directors in order to his election, whose duty it shall be to preside at the meetings of the board, and discharge any other duties assigned him by the board.

§ 6. The board of directors shall declare dividends of the profits of the business, to employ all agents, officers, or employees necessary to conduct the business of the bank, shall fix their compensation and order payment of the same.

§ 7. The stock shall be deemed personal property, and is transferable only on the books of the bank by the stockholder in person or by his attorney.

§ 8. That Col. E. G. Seabee, G. E. Garth, Dr. Dickinson, C. W. Ware, M. B. L. Cook, J. F. Crunk, and C. D. Runyon are hereby appointed commissioners, any three of whom, after notifying the others, may open books in the town of Trenton

or elsewhere, and receive subscriptions for the capital stock of said bank, and when ten thousand dollars thereof shall be subscribed, it shall be their duty to notify the stockholders, and appoint a day for the election of a board of directors, who shall hold office till the first annual meeting thereafter, or until their successors are elected. Said annual meeting shall take place the second Monday in May of each year, or as soon thereafter as convenient, and when ten thousand dollars of the capital stock shall have been paid in, the corporation may commence business; the board of directors may fix the time for the payment of the stock remaining unpaid; but any stockholder has the privilege of paying the whole or any part of his subscription in advance of calls made thereon.

§ 9. Said bank may receive on deposit gold and silver coin, bullion, bank notes, or other notes that may be lawfully circulating as money, and repay the same at such time, in such manner, and with such rate of interest, not exceeding six per cent. per annum, as may be agreed on with depositors by special or general contract; may deal in loaning of money; may buy and sell bills of exchange, coin, premium notes, uncurrent money, stocks, bonds, and other evidences of debt; may take personal or other security for payment of same, and dispose of as provided by an act, entitled "An act for the benefit of the incorporated banks of this Commonwealth," approved March 16th, 1871, and pass a valid title to the same.

§ 10. Said bank may acquire, hold, and use such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business and its safety, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and may sell and convey the same, or may buy its own stock in payment of any debt, judgment, or decree, but shall resell the same as soon as practically convenient.

§ 11. Every stockholder shall be responsible to the creditors of the bank to the full amount of his stock; but when the same shall have been paid in full, then no further responsibility attaches to stockholders.

§ 12. The president, directors, and other officers of the bank shall take oath before a justice of the peace of this Commonwealth that they will, to the best of their skill and judgment, discharge every duty faithfully growing out of

Oath.

their respective offices, or that may be properly assigned to them.

§ 13. The indebtedness of this corporation, over and above that incurred for cash deposits, shall at no time exceed the amount of its paid-up stock. Indebtedness.

§ 14. This corporation shall pay into the State Treasury fifty cents on each one hundred dollars of its paid-up capital, in lieu of all State taxes. Tax.

§ 15. This act shall be subject to amendment or repeal, in the discretion of the Legislature, and shall take effect and be in force from and after its passage: *Provided*, It is organized within one year after its approval by the Governor; otherwise to be null and void.

Approved March 6, 1882.

## CHAPTER 372.

AN ACT to incorporate Visitation Academy of Paris, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Mother Superior Mary Gonzaga Carragher, and Sisters Mary Josephine Green, Mary Clara Cramer, Mary Cecilia Kean, and Mary Gertrude Hunt, and their successors, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the "Trustees of Visitation Academy at Paris, Kentucky," and by that name they shall have perpetual succession, with power to adopt and use a common seal, and change the same at pleasure; to make contracts and be contracted with for the benefit of said academy; to sue and be sued; to acquire by gift, grant, deed, devise, purchase, or otherwise, any real or personal estate, not exceeding one hundred thousand dollars (\$100,000) in value; to sell and dispose of the same at pleasure, and reinvest the proceeds in such real or personal estate for the use of said academy as they may think proper. Incorporators.

§ 2. The trustees named in the first section of this act may elect from their own body a president, treasurer, and secretary, who shall discharge the duties required of them from time to time, in compliance with such rules, regulations, and by-laws as said trustees may make and adopt for the management and control of said academy, not inconsistent with the Trustees.

Constitution and laws of this State and of the United States and said trustees are hereby empowered to adopt such by-laws, rules and regulations.

Quorum.

§ 3. A majority of said trustees shall form a quorum to do business; they shall have power to employ officers, agents, teachers, and assistants, to fix their salaries, to regulate and fix tuition fees, and in every way to manage and conduct the financial and educational interests of the institution.

Powers.

§ 4. Said trustees shall have power to confer degrees of honor and merit, and award diplomas of graduation in literature, science, and arts; to prescribe and regulate the course of studies in said academy; they shall have power to fill vacancies in their number occasioned by death, resignation, removal, or otherwise.

§ 5. This act shall take effect and be in force from and after its passage, and the General Assembly reserves the right to alter, amend or repeal this charter.

Approved March 6, 1882.

#### CHAPTER 373.

AN ACT to repeal an act, entitled "An act to incorporate the town of Springville, in Greenup county," approved March 3, 1873, and all acts amendatory thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That chapter 288 of Session Acts of 1873, approved March 3d, 1873, entitled "An act to incorporate the town of Springville, in Greenup county," and all acts amendatory thereto, be, and the same are hereby, repealed.

§ 3. That this act shall take effect from its passage.

Approved March 6, 1882.

#### CHAPTER 374.

AN ACT to amend an act, entitled "An act to prevent base ball playing on Sunday in Kenton county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section one of an act, entitled "An act to prevent base ball playing on Sunday in Kenton county," be, and the



same is hereby, amended by inserting after the word "place," in the fourth line of said section one of said act, the words: "within three hundred yards of any residence or place of worship:" *Provided*, This act shall not apply to the county of Kenton outside the city of Covington."

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1882.

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CHAPTER 376.

AN ACT authorizing the county court of Rowan county to sell or lease a portion of the public square.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be lawful for the county court of Rowan county, a majority of the magistrates being present and concurring therein, to sell or lease a portion of the public square, make a title, and receive the money for the same.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1882.

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CHAPTER 377.

AN ACT to incorporate Jessamine Lodge, No. 1769, Grand United Order of Odd Fellows.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. L. Dudley, Manuel Jackson, John Scott, William Chrisman, sr., and George Kennedy, and their associates, be, and they are hereby, created a body-politic and corporate, by the name and style of Jessamine Lodge, No. 1769, Grand United Order of Odd Fellows, and they and their successors shall so continue and have perpetual succession, and by that name may sue and be sued, contract and be contracted with, and may make and have a common seal, and may acquire and hold real or personal property, not to exceed \$15,000 in value, and may sell the same for re-investment, and may make such regulations and by-laws for their government as are not in violation of law.

§ 2. The financial affairs of said lodge shall be conducted and managed by five trustees, who shall be elected every

four years, and shall hold office until their successors are elected and qualified.

§ 3. Said J. L. Dudley, Manuel Jackson, John Scott, William Chrisman, sr., and George Kennedy, having purchased two lots of ground in the town of Nicholasville, which lots were conveyed to them as trustees for Jessamine Lodge, No. 1769, Grand United Order of Odd Fellows, said trustees and their successors shall hold said property for said lodge, or sell the same for the use and benefit of said lodge, if they desire to do so. They shall act as trustees for said lodge until their successors are elected and qualified.

Election.

§ 4. The members of said lodge shall determine when their first election of trustees shall be held.

§ 5. Said corporation may let or sell shares in any real property they own, or receive subscriptions of stock to said corporation in any manner the trustees thereof may deem best for the purpose of erecting a building on either of the said lots of ground herein mentioned, or any other ground said corporation may own.

§ 6. This act to take effect from and after its passage.

Approved March 6, 1882.

## CHAPTER 378.

AN ACT to amend an act, entitled "An act incorporating the town of Manchester, Clay county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary.

§ 1. That an act, entitled "An act to incorporate the town of Manchester, Clay county, Kentucky," approved February the 6th, 1844, be so amended that the first section of said act, after "to-wit," in the fourth line of said section, shall read as follows: Beginning at the mouth of Hart's branch; thence a straight line to a point forty poles north of James Roach's steam mill; thence same course continued forty poles; thence a straight line, passing Stephen Gibson's house on the right, at the distance of forty poles, and continuing same direction forty poles beyond said house; thence a straight line crossing Horse creek, near the ford of same, and forty poles from the old Daniel Bates house; thence a straight line to a point in the road leading from said ford to Garrard Salt Well Works, forty poles from said Bates house;

thence a straight line to the point known as the Bull's-eye ;  
thence with the ridge to the head of the Tan-yard branch.

§ 2. That the trustees of said town shall have no power to levy a tax on the real estate embraced by section one of this act, except such as may be inside of the boundaries of the original act, but may levy a poll-tax, and assess a poll-tax upon all the personal property within said limits, not to exceed the amount mentioned in section three of the original act. May levy tax.

§ 3. That a marshal shall be elected by the qualified voters of said town, at the same time the trustees are elected, who shall hold his office for two years. The marshal of said town shall have power to perform the same duties, and be subject to the same penalties, that constables now by law are, and his jurisdiction in the execution of criminal and civil process shall be co-extensive with the county of Clay, and he shall be allowed the same fees that constables are entitled to for similar services. Before entering on the discharge of his duties, said marshal shall take an oath faithfully to discharge all the duties required of him, and shall execute bond before the chairman of the board of trustees of said town, with good and sufficient sureties, similar to that executed by constables, which bond shall be attested by said chairman, and filed with the county court clerk, and kept by him in his office, and certified copies may be given by said clerk for all purposes of suit, and said marshal shall be liable, together with his sureties, for the same penalties, and like proceedings may be had on same as are had on constables' bonds for any failure or neglect of duty. When, from any cause, the office of sheriff may be vacant, said marshal may execute all writs of execution, attachment, summons, or subpoena which may be directed to him from the circuit court, except to levy upon or sell real estate; and shall be liable on his bond for all failures of duty, and subject to all the pains and penalties of sheriffs for like services, and be entitled to the same fees of sheriffs for like services; and the same proceedings may be had on his bond as may be on the official bond of sheriffs for failing to discharge similar duties; and the board of trustees may make said marshal such compensation for his services in executing and attending to all the business of said town which by this act he is required to perform, as they may deem just. Marshal—duties.  
Oath.  
Bond.  
Compensation.

Chairman—jurisdiction.

§ 4. Said trustees shall elect one of their board chairman. He shall have jurisdiction within said town and town district co-extensive with magistrates in civil cases, and also jurisdiction of all infractions of the by-laws and ordinances of said town, and shall have jurisdiction in criminal and penal cases co-extensive with the county equal to a county judge, and with all the powers granted to inferior courts in enforcing his orders and judgments; may fine for contempt not exceeding five dollars. He shall hold regular terms for the trial of civil cases in the months of February, May, August, and November; and appeals may be taken from his judgments in the same manner as they are now taken from the courts of justices of the peace.

License.

§ 5. That said trustees shall have the exclusive right to license all coffee-houses, or houses for the sale of ardent spirits within said corporation, and may fix the amount to be paid for same, to be expended in the improvement of said town: *Provided*, That all liquor dealers licensed by them shall pay the county court clerk the State tax required by law.

§ 6. This act shall take effect from and after its passage.

Approved March 6, 1882.

## CHAPTER 379.

AN ACT to incorporate the Supreme Encampment of the Emmett Mutual Protective Association.

WHEREAS, Certain persons, citizens of Kentucky, have formed a corporation to promote benevolence, morality, industry, mutual protection and assistance in said State, and in the United States; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporators.

§ 1. That M. Boland, Jeremiah Kavanagh, Matt. O'Doherty, William McCready, Hugh Burns, John Gillen, Hubert Kelley, Michael Minton, M. J. McAuliffe, Dr Frank Corrigan, and ————, and their successors be, and are hereby, created

Style.

a body-politic, to be known by the name, style, and title of the "Supreme Encampment of the Emmett Mutual Protective Association," and by such name and title shall have perpetual succession, and be capable in law of suing and being sued, pleading and being impleaded, and of purchasing, leas-

ing, holding, granting, and receiving in its corporate name property, real, personal, and mixed; and of instituting grand and subordinate encampments as it may see fit, under such laws, rules and regulations, as the corporation may enact, and not in conflict with the laws of this State and the United States. By-laws.

§ 2. The objects of the corporation shall be to unite fraternally Irishmen and their descendants, their wives, mothers, widows, and unmarried daughters or sisters over eighteen years of age; to give all possible moral and material aid in its power to its members, and those depending on its members, by holding moral and instructive lectures, by encouraging each other in business, and by assisting each other to obtain employment; to care for the sick and distressed, and to promote benevolence and charity by establishing a relief fund from which, on satisfactory evidence of the death of a member of the corporation who has complied with its lawful requirements, a sum not exceeding one thousand dollars shall be paid to his or her family, or as she or he may have directed; to provide for creating a fund for the relief of sick and distressed members; to ameliorate the condition of humanity in every possible manner. Purposes.  
Relief fund.

§ 3. The said Supreme Encampment shall have a common seal for making and delivering of all legal acts and proceedings, the same to break or alter at pleasure.

§ 4. The said Supreme Encampment may provide for holding annual, bi-annual, tri-annual or special meetings, at such time and place as a majority of its voting members may select.

§ 5. The private property of the members of the corporation shall be exempt from the corporate debts.

§ 6. The said Supreme Encampment shall provide for the election of such officers as it may deem necessary to transact the business of the corporation, and to further its objects, who shall hold office until their successors are duly elected and installed into office.

§ 7. The said Supreme Encampment shall have power to create, hold, and disburse the funds named in the objects of the corporation for promoting benevolence and relieving the sick and distressed, under such regulations as it may deem necessary to adopted, and said funds shall be exempt from execution, and shall, under no circumstances, be liable to

seizure or appropriation by any legal or equitable process for any debt or debts of its living or deceased members, and said funds shall be exempt from the laws, rules, and regulations governing the Insurance Bureau of this State.

emption.

§ 8. This act shall be in force and take effect from and after its passage.

Approved March 6, 1882.

## CHAPTER 380

AN ACT to prevent stock from running at large in Chatam precinct, Bracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person owning or having care of any stock to permit the same to run at large in Chatam precinct, Bracken county; and any person so offending shall be liable to such penalties as are prescribed and provided for in this act.

§ 2. That it shall be the duty of the constable or sheriff to seize any stock found running at large in said precinct, and impound said stock, and provide for their care and keeping until the owner of such stock shall have redeemed them by the payment of all fees and costs incident to said procedure.

§ 3. That whenever any stock shall be found trespassing upon the inclosure of any person, the owner of such stock shall be liable for all damages done, and for all fees and costs incident to the prosecution of such trespass, recoverable before any officer having competent jurisdiction; and the party injured shall have a lien upon such stock for all damages, costs, and fees.

§ 4. That the officer shall be entitled to the following fees for taking up stock running at large, or trespassing upon the lands of any one: for each horse, jack, mule, or colt, over six months old, one dollar; for each bull, cow, steer, heifer, or calf, over six months old, fifty cents; for each sheep or hog, over three months old, twenty-five cents, and all expenses incurred by him in impounding and taking care of the same: *Provided*, The owner of said stock is not known to be in immediate pursuit of same.

§ 5. That the officer making the seizure shall advertise all stock seized by him (if not redeemed within five days after

the seizure of same) for sale in the precinct ten days before selling. The sale shall be made on a credit of three months, the purchaser giving bond, with approved security, payable to the officer making the sale, who shall be entitled to receive the same commission and fees as are allowed by law for sales under execution for debt; and when the bond shall be collected, he shall pay the residue, after all expenses are paid, to the owner of said stock, and the officer shall be responsible on his official bond.

§ 6. That this act shall be submitted to the qualified voters of Chatam[precinct, at the next August election; and it shall be the duty of the officers of said election to open a poll, and propound to each voter the question, "Are you for or against the stock law?" and register his vote in accordance with his response to said question. The vote shall be certified and returned, examined and compared, as they are required in other elections; and if it shall appear the certificate of the examining board that a majority of all those voting for or against the stock law, the presiding judge of the county court shall cause a record of same to be made by the county court clerk, the provisions of this act shall take effect; but if the examining board report to said judge that a majority voted against said stock law, then this act shall not be in force.

§ 7. That it shall be the duty of the sheriff, at least thirty days before the next August election, in at least three public places in the precinct, to post notices that a vote will be taken on the first Monday in August, 1882, for or against the stock law.

§ 8. That this act shall take effect on the first day of October, 1882.

Approved March 6, 1882.

## CHAPTER 381.

AN ACT to incorporate the Maysville Trotting Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Lucien S. Luttrell, Frank S. Owens, Geo. T. Simmonds, James H. Rogers, John H. Wilson, Sam. M. Poyntz, Samuel S. Riley, David Hechinger, Wm. H. Yancey, Andrew Honan, F. M. Tolle, J. D. Kehoe, Wm. Hunt, H. Duke Watson, and Hiram T. Pearce, be, and they are hereby, created a

Incorporators.

Style.

body-politic and corporate, under the name of the Maysville Trotting Association, for the improvement of stock ; and in that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth and elsewhere ; make and use a common seal, the same to alter or renew at pleasure, and to have perpetual succession.

Capital stock.

Officers.

§ 2. The said corporation, when one thousand dollars to the capital stock of the said corporation may be subscribed and paid, in shares of fifty dollars each, may proceed to organize by the election of a president and such other officers and directors as they may choose to elect, who shall have control of the affairs of said corporation ; and elections shall be held once a year for the election of officers and a board of directors ; but in case no such annual election is held, then a quorum of the directors in office shall have the right to fill all vacancies in their board, and shall hold their offices until their successors are elected and qualified.

Powers.

§ 3. The said corporation shall have the right to acquire, by purchase, lease, gift, or exchange, real estate not exceeding two hundred acres, and such personal estate as may be convenient or necessary for the business of the said corporation, and may sell and convey the same at pleasure. They may erect such improvements on their real estate as they may deem proper ; may construct race-courses, and may hold spring and fall meetings, and oftener if deemed proper by the association ; and on all race days the said association shall have the same police rights and regulations as govern the Maysville Agricultural and Mechanical Association, and shall have the right to rent all the booths, arbors, and grounds to such person or persons, on such terms as may be agreed upon between the parties.

By-laws.

§ 4. The association shall have the right to make such by-laws, rules and regulations, as may be necessary and proper for its government, in the construction and repairs of said grounds, and the management of its prudential and financial concerns ; and the association shall also have the right to rent or lease their grounds and stabling at any time during the year.

§ 5. This act shall be in force from its passage.

Approved March 6, 1882.



## CHAPTER 382.

AN ACT to incorporate DeMolay Commandery, No. 12, Knights Templar,  
of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth  
of Kentucky :*

§ 1. That George W. Northup, Eminent Commander; Chas. Incorporators.  
C. Vogt, Generalissimo; Isaac A. Kelly, Captain General,  
and the members of DeMolay Commandery, No. 12, Knights  
Templar, and their successors, of the city of Louisville, and  
county of Jefferson, be, and they are hereby, created a body-  
politic and corporate, by the name and style of DeMolay Style.  
Commandery, No. 12, Knights Templar, with perpetual suc-  
cession, and by that name shall be known and capable of con-  
tracting and being contracted with, of suing and being sued,  
of pleading and being impleaded, of purchasing and hold-  
ing, and of receiving, by gift or otherwise, real and personal  
estate, and shall have power to receive any and all neces-  
sary deeds and conveyances for same, and to sell and dispose  
of all such real and personal estate as it may now own or here-  
after acquire at pleasure, and to execute, by its proper officers  
as hereinafter named, all necessary deeds and conveyances  
therefor. Said real and personal estate shall not exceed the  
sum of one hundred thousand dollars.

§ 2. That the management of the business affairs of said Trustees.  
corporation shall be, and is hereby, vested in and confided to  
Edwin G. Hall, Thomas L. Jefferson, sr., and James F. Grin-  
stead, and their successors in office, as trustees, who shall  
have power to make all contracts pertaining to the real and  
personal estate of said corporation, subject to such restric-  
tions as may be imposed by its by-laws, as to personal estate;  
but they shall not be able to pass the title to real estate, un-  
less such conveyance shall have been first approved by two  
thirds of all the members of said commandery present at a  
regular meeting, of which each member thereof shall have  
had written notice, stating the purpose of the meeting, sent  
him for at least fifteen days prior to such meeting. Said  
trustees shall hold their offices for one year, and until their  
successors are duly elected and installed, and shall be elected  
at the same time that other officers of said commandery are  
elected; and the trustees named herein shall hold their offices  
until the next annual election of officers in said commandery,

Notice.

and until their successors are duly elected and installed. Service of notice or legal process upon any two of said trustees shall be deemed sufficient and legal service upon said corporation.

§ 3. That any real or personal estate now owned by said commandery shall vest in said trustees in the same way and to the like extent as if acquired after this act takes effect. Said commandery may have and use a common seal, and change the same at pleasure.

§ 4. The private property of the members of said commandery shall be exempt from any liability on account of the debts, contracts, or liabilities of said corporation.

§ 5. Said corporation shall have power, through its trustees aforesaid, to loan or borrow money, and to receive or execute notes or bonds for the payment thereof, and to secure or have secured such notes or bonds by mortgages upon real estate, subject to the provisions of the second section of this act.

By-laws.

§ 6. The said corporation shall have power to make and adopt by-laws for its government, not inconsistent with the laws and Constitutions of this State or of the United States, and enforce the same; to elect such officers as may be provided for therein, and take from them bond or bonds for the faithful discharge of the duties of their respective offices.

§ 7. The General Assembly reserves the right to amend this charter at pleasure. This act shall take effect from its passage.

Approved March 6, 1882.

## CHAPTER 384.

AN ACT to incorporate the town of Wickliffe, in Ballard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary.

§ 1. That the town of Wickliffe, in Ballard county, Kentucky, is hereby incorporated in the name of Wickliffe, the boundary of which includes that part of river lots numbers four and five of the Logan survey, which has been laid out into lots, streets, and alleys, a plat of which is recorded in the Ballard county court clerk's office as the plat of the town of Wickliffe.

§ 2. That W. J. Rodgers, J. C. Dupoyster, J. W. Elliott, Trustees. F. H. Thurman, and W. J. Barbee, be, and they are hereby appointed trustees of said town, who shall choose one of their body as chairman, and one as clerk; a majority shall constitute a quorum to transact business. They shall keep a record of their proceedings, and such proceedings shall be subject to the inspection of any citizen at any time; and all by-laws and ordinances passed by the board of trustees shall be posted at three public places in said town, or published in a newspaper in said town at least ten days before the same shall take effect, and they shall remain in office until the first Saturday in May, 1882, upon which day, and upon the first Saturday in May in each year thereafter, the male citizens of said town entitled to vote for Representative of the General Assembly shall meet at the court-house in said town, and choose five persons *viva voce* to serve as trustees of said town for one year, and until their successors are duly elected and qualified, and that the chairman of the board of trustees, or some person appointed by the board, shall hold the election. Officers.

§ 3. That all citizens living in said town who are qualified to vote and hold office under the Constitution and laws of the State of Kentucky, are entitled to vote and hold office in said town. Voters.

§ 4. That John M. Hammonds is appointed marshal of said town, and S. W. Owens is appointed police judge until the regular election for sheriff of said county, when a town marshal and police judge shall be elected, who shall hold their offices for the same time that sheriffs and county judges shall hold their offices. That before the said marshal shall enter upon the duties of his office, he shall execute to trustees of said town a bond, with approved security, conditioned for the faithful performance of the duties of his office, and also execute a bond in the county court to the Commonwealth of Kentucky for the faithful performance of his duty, and take the oath prescribed for constables so far as the same applies. Marshal. Term.

§ 5. All the officers of said town, including trustees, shall, before they enter upon the duties of their several offices, take the oath prescribed by law. Oath.

§ 6. The police judge of the town of Wickliffe shall have concurrent jurisdiction with justices of the peace in said town, and for two miles each way from the town boundary, in all penal and criminal cases, and charge the same fees as Police judge—jurisdiction.

justices are allowed for similar services. The marshal shall have concurrent jurisdiction with the constables of Ballard county, and charge the same fees for their services, and shall collect all taxes due the town, and pay the same over to the board of trustees.

By-laws.

§ 7. The trustees are empowered to enact such by-laws and enact such regulations as may be necessary for government and well-being of said town, not in contravention of the laws of the Commonwealth, and to fill any vacancy in any office created by this act that may occur.

Taxes.

§ 8. Said trustees shall have power to levy taxes on all persons living in said town, or owning property within the corporate limits, not exceeding twenty-five cents on each one hundred dollars' worth of taxable property, except such as may be leased for purposes of manufactories; also to impose a tax of one dollar on each male citizen over the age of twenty-one years; and all fines and forfeitures within the jurisdiction of said police judge shall be applied by the trustees in such manner as will be beneficial to said town.

§ 9. The trustees shall have power to procure, by purchase or otherwise, a lot of ground upon which to erect a guard-house for keeping of prisoners, under the same rules and regulations as govern the county jail; said guard-house to be kept by the marshal, who shall have all the privileges and compensation allowed the keeper of the Ballard county jail for like services.

§ 10. Said trustees may sue and be sued in their corporate capacity, in the name of the trustees of the town of Wickliffe.

§ 11. Any person found guilty of a breach of the by-laws or ordinances of said town before the police court of said town may be compelled to work on the streets or other public works of said town, at the rate of one dollar per day, until their fine is paid, provided the same is not paid or replevied.

License.

§ 12. That the said trustees shall have power to license, tax, and regulate auctioneers, retailers, coffee-houses, peddlers, public halls, theatrical and other exhibitions, taverns, retailers of spirituous, vinous, or malt liquors, alleys for nine and ten-pins, billiard tables, pigeon-hole tables, bowling saloon; but in no case shall the license or tax exceed the sum of twenty-five dollars per annum, except in the case of the sale of spirituous, vinous, or malt liquors, and in such cases the

license shall not be less than three hundred nor more than one thousand dollars per year; and no license granted by said trustees shall authorize the holder thereof to transact any business until he or she shall have obtained such other license as the law may require; nor shall any license authorize any person to transact business in said town until the town license shall have been granted and fully paid.

§ 13. Said trustees shall have power to suppress gaming, drunkenness, gambling-houses, bawdy-houses, or houses of prostitution, street-walkers, and disorderly houses of all kinds, and to provide for the arrest and punishment of the offenders, and may provide for the prevention and punishment of any person who shall rent property to prostitutes, or suffer their property to be occupied by prostitutes or lewd and disorderly persons, and may prescribe by ordinances such penalties therefor as they may think proper, not inconsistent with the Constitution of Kentucky.

§ 14. The power granted in this charter applies solely and entirely to the police regulations of said town, and is not intended to interfere with the title to or sale of lots in said town, but the same is to remain in the persons in whom now vested, subject to the agreement of the proprietors or order of the court.

§ 15. This act shall take effect from its passage.

Approved March 6, 1882.

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#### CHAPTER 386.

AN ACT to regulate the sale of spirituous, vinous, or malt liquors in the town of Elkton, Todd county, Kentucky, and within one mile of the corporate limits thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That from and after the passage of this act, it shall be unlawful for the judge of Todd county, or the trustees of the town of Elkton, to grant a license to any person or persons to sell any spirituous, vinous, or malt liquors within said town, or within one mile of the corporate limits thereof: Boundary.  
*Provided*, That the board of trustees of said town of Elkton may, in their discretion, grant license for not more than one year at a time to druggist and apothecaries, doing business in

Bond.

good faith as such, to sell spirituous, vinous, and malt liquors for medical purposes alone, upon the person applying for such license producing satisfactory evidence to them that he has been carrying on the business of druggist or apothecary, in good faith, for at least six months next before the date of his application; and executing a bond, with good and approved security, in the sum of two hundred dollars, payable to the board of trustees of the town of Elkton, to the effect that neither he nor any one in his employ will sell any spirituous, vinous, or malt liquors in the town of Elkton, or within one mile of the corporate limits thereof, except upon the written order or prescription of some resident practicing physician of Todd county of sobriety and good standing in his profession, and who has no pecuniary interest in said liquors, and no interest direct or indirect in said sale. Said order or prescription shall state the name of the person to whom the liquors are to be sold; that it has been prescribed for such person, or for some member of his family, in good faith, as medicine; shall be dated and signed by the physician, and shall be good for one selling only.

Fine.

§ 2. Any person who shall vend or sell spirituous, vinous, or malt liquors in the town of Elkton, or within one mile of its corporate limits, otherwise than as herein provided and permitted, shall be fined not less than sixty nor more than one hundred dollars for each offense; and if he be a druggist or apothecary, the board of trustees of said town shall, by an order made upon its books, suspend the license upon his conviction of said offense.

§ 3. Any druggist or apothecary convicted of selling spirituous, vinous, or malt liquors in violation of the provisions of this act, shall thereby forfeit his bond as such, and the full amount thereof may be recovered by suit thereon in the Todd circuit court in the name and for the benefit of the trustees of the town of Elkton.

§ 4. Prosecutions under this act shall be in the name of the Commonwealth of Kentucky, for the use and benefit of the trustees of the town of Elkton, and shall be conducted in the same manner as other prosecutions for offenses against the Commonwealth are conducted: *Provided*, That no indictment shall be necessary when a prosecution is commenced in any court inferior in jurisdiction to the circuit court: *And provided*, That no appeal shall be granted from the judgment of

an inferior court to a superior until the appellant shall have executed a bond, with security, approved by the clerk of the court to which the appeal is taken, conditioned that he will satisfy any judgment which may be rendered by the court to which the appeal is taken, and render himself in execution thereof if convicted.

§ 5. The attorney for the town of Elkton shall receive thirty per cent. of all fines and forfeitures which may be recovered under this act as a fee for his services for prosecuting offenders: *Provided*, That when any prosecution is conducted in the circuit court, either by appeal or originally, and the attorney for the Commonwealth assists therein, he shall be entitled to one half of said fee. The net proceeds of said fines and forfeitures, after payment of fees and costs, shall be paid over to the board of trustees of the town of Elkton for the use of said town.

§ 6. Any physician who shall prescribe spirituous, vinous, or malt liquors, to be purchased in the town of Elkton, or within one mile of the corporate limits of said town, otherwise than as a medicine, and in good faith, or who shall fail to date or sign such prescription when given; and any person who shall make or use, or shall assist another to make or use a false and fraudulent prescription, or shall use a prescription that has previously been used, or shall sell spirituous, vinous, or malt liquors, by himself or another, upon a false and fraudulent prescription, or shall, by any device whatever, evade the provisions of this act, shall be fined not less than sixty nor more than one hundred dollars for each offense. Fine.

§ 7. Nothing in this act shall be construed as forbidding the sale or use of wine for sacramental purposes.

§ 8. This act shall take effect and be in force from its passage.

Approved March 6, 1882.

#### CHAPTER 387.

AN ACT for the better regulation and working of county roads in Boyle county.

WHEREAS, The present law governing the working of county roads, requiring each male person between the ages of sixteen and fifty years, unless specially exempted, to work

two days in each week upon county roads, if in the judgment of the surveyor the roads require it; and whereas, this law is burdensome and unjust to a large class of citizens, especially so to the mechanic and laborer, a large majority of whom own neither horse or vehicle, and consequently never use the said roads, their labor, money, and time being taken from them without any compensation or equivalent for the same; and whereas, a large sum of money is annually drawn from the Boyle county treasury for the hire of wagons and horses to work on said county road, and the furnishing of plows, spades, picks, and other tools necessary for the working of said roads, in addition to the labor of each and every male person as above stated; and whereas, this sum of money, annually drawn from Boyle county treasury, is alone amply sufficient for the working of and keeping in good order of all Boyle county roads, provided just and equitable laws are enacted governing the same; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county judge of Boyle county, by and with the consent of a majority of the justices of the peace of said county, shall, upon the passage of this act, appoint a suitable person in and for said county, who shall be known as supervisors of county roads.

§ 2. It shall be the duty of the supervisor, as soon as he qualifies and enters upon the duties of his office, to examine the records of survey of each county road in his county, and should he, upon careful examination, find that there are county roads in said county with no survey on record, he shall, as soon as practicable, have the necessary survey made by the county surveyor, and have the same recorded in the county clerk's office.

§ 3. The supervisor shall, in the month of August of each year, advertise for sealed proposals for keeping the county roads in repair for the term of one year, specifying as near as practicable the amount and nature of the work required upon each road, the advertisement to be published in the local papers of the county, and posted in the various public places of the county for fifteen days.

§ 4. The supervisor, subject to the approval of the county judge, shall award any one or all of contracts for keeping in repair the county roads to any one or several of the lowest



and best bidders, or he may reject any and all of the bids, if, in his judgment, they are unusually high.

§ 5. It shall be the duty of the supervisor to see that the contractors of the several county roads faithfully perform their several contracts, and in no case shall he draw his warrant upon the county treasurer for the payment of said contractors until he is satisfied that the work required of the contractors has been performed.

§ 6. The county judge shall have the power to lease to the contractors the inmates of the county work-house, upon such terms, and under such regulations, as he may deem best for the interest of the county. The proceeds to be paid into the county treasury, or credited to the account of the contractors.

§ 7. The county court shall fix the salary of the supervisor of county roads at any sum not exceeding one hundred and fifty dollars per annum.

§ 8. The salary of the supervisor and pay of the contractors shall be paid out of any money in the county treasury not otherwise appropriated, subject to the rules and regulations at present governing disbursements.

§ 9. This act shall take effect from and after its passage.

Approved March 6, 1882.

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#### CHAPTER 388.

AN ACT to incorporate Robinson Creek Lodge, No. 591, of Free and Accepted Masons, in Laurel county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Granville Brown, J. G. Woodward, D. W. Lovill, and John Blair, their associates and successors, be, and are hereby, created a body-politic and corporate, by the name and style of Robinson Creek Lodge, No. 591, of Free and Accepted Masons, in Laurel county; and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts in this Commonwealth or elsewhere; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations.

and by-laws for their government, and may alter those now in force in said lodge, when deemed necessary or proper, and may change and renew the same at pleasure, not inconsistent with the laws of this State or of the United States.

§ 2. That said corporation shall have power and authority to acquire and to hold real or personal estate, not exceeding ten thousand dollars in value at any one, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 3. This act to take effect from its passage.

Approved March 6, 1882.

#### CHAPTER 389.

AN ACT to prohibit the selling, giving, or loaning of spirituous, malt, or vinous liquors within the town of Allensville, in Todd county, or within three miles of the corporate limits thereof.

WHEREAS, A large majority of the white voters, and also a large colored vote, join in said petition, in the town of Allensville, Todd county, Kentucky, and of the election district in which it is situated, have petitioned this General Assembly to pass an act prohibiting the selling, loaning, or giving away of any spirituous, malt, or vinous liquors within said town, or within three miles thereof; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any tavern-keeper, saloon-keeper, druggist, or any other person, to sell, loan, or give away any spirituous, malt, or vinous liquors within the town of Allensville, in Todd county, Kentucky, or within three miles of the corporate limits of said town.

§ 2. That the trustees of said town of Allensville shall not have power or right to grant to any person a license to keep a saloon, coffee-house, or to sell liquors in any manner within said town.

§ 3. Any person who may violate any of the provisions of this act shall be subject to a fine of not less than fifty and not more than one hundred dollars for each offense, to be recovered upon the indictment of a grand jury, or before any court having jurisdiction thereof.

§ 4. This act shall not apply to the selling, loaning, or giving of vinous liquors for sacramental purposes, nor to the

selling of liquors under a license which may have been legally granted for one year or less before this act takes effect.

§ 5. This act shall take effect from its passage.

Approved March 6, 1882.

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CHAPTER 390.

AN ACT to establish and prevent changes in or divisions of justices' or election precinct No. 1, in Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That justices' and election precinct No. 1, known as Paris precinct, in Bourbon county, be, and the same is hereby, established and defined as it at present exists, and the lines, boundaries, and places of voting in said precinct shall hereafter continue as they now are and have been for the past year, and the Bourbon county court shall have no power to alter, change, or divide said precinct in any manner whatsoever: *Provided however*, That said Bourbon county court may so alter the boundaries of said precinct as to permit certain portions of said precinct or district to be added to other adjacent precincts in said county, in the manner provided by the General Statutes of this State, and it may change and determine the place of voting in said precinct or district: *Provided*, That there shall never at any one time be more than one voting place in said precinct as it now exists.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1882.

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CHAPTER 391.

AN ACT to incorporate the town of Hargis, in Bath county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the town of Hargis, in Bath county, be, and the same is hereby, incorporated, with the following boundary: Beginning on Bath side of Licking river at the abutment of the Maysville and Mt. Sterling Turnpike bridge; thence out

said turnpike road to H. Moores' corner; thence southwardly on line between H. Moores' and Jas. House to Moores' corner; thence westwardly across the Maysville and Mt. Sterling pike into Ed. Hardin's farm far enough to take in Hardin's dwelling house; thence northwardly to Licking river at mouth of drain on Hardin's farm that empties into said river; thence with said river to the beginning. The trustees of said town may cause a plat thereof to be made, which shall be filed in the Bath county court clerk's office.

§ 2. That there shall be three trustees elected annually on the first Saturday in July for said town. That said trustees and their successors in office shall be a body-politic and corporate, and known by the name and style of the trustees of the town of Hargis, and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth; and that said trustees shall have all the powers and privileges, and be subject to all the duties and liabilities as provided by general law.

§ 3. The trustees of said town shall have power to pass all needful regulations and ordinances not inconsistent with the Constitution and the general laws of the land, which may be necessary to preserve the health, peace, and good order of the citizens thereof; and all forfeitures and fines imposed and collected for the violation of the ordinances of said town shall be paid into the treasury of said town, to be used by the trustees for the public good thereof.

§ 4. That on the same day set apart for the election of trustees of said town there shall also be held an election every year for the purpose of electing a police judge and town marshal for said town, and said police judge and town marshal shall qualify and give bond, and shall be clothed with all the usual powers and privileges delegated to such officers; and they shall be governed and controlled by all laws made binding upon such officers.

§ 5. The trustees of said town are authorized and empowered, with full power and authority, to grant license to any person or persons to keep a coffee-house, or vend, by the small, spirituous, vinous, or malt liquors within the corporate limits of said town, for which license said trustees shall charge not less than ten dollars nor more than fifty dollars per year, to be paid into the treasury and used like money

collected on fines and forfeitures : *Provided*, That before the trustees grant license to sell liquor, the person obtaining license shall first pay the county clerk of Bath county the tax due the State, and shall produce to said trustees the clerk's receipt for same : *Provided, however*, That said person or persons obtaining license shall take the oath and give bond similar to the oath and bond required of tavern-keepers.

§ 6. H. F. Barker, Ed. Hardin, and W. H. Darnall are constituted trustees of said town, and authorized to act as such until their successors are elected and qualify according to law ; and H. Moores is hereby authorized to act as police judge of said town until his successor be duly elected and qualified ; and Tom Crow shall act as marshal of said town until his successor is duly elected and qualified.

§ 7. All the officers herein mentioned shall be first duly sworn, by some court or justice of the peace, that they will faithfully discharge the duties of their office before they proceed to act. All elections shall be held by a clerk, to be appointed by the board.

§ 8. This act to take effect from its passage.

Approved March 6, 1882.

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### CHAPTER 393.

AN ACT in relation to the bonded indebtedness of the Owen county court.

WHEREAS, The county court of Owen county, pursuant to the provisions of an act, entitled "An act authorizing the Owen county court to issue and sell bonds to pay off its indebtedness, and to provide for the payment thereof," approved January 27th, 1880, and an act amendatory thereof, approved May the 6th, 1880, has issued bonds of said county, the proceeds of which have been applied, as therein directed, to the payment of the outstanding floating debt of the county and to the refunding of its bonded debt ; and whereas, doubts are entertained as to the construction of said two acts, as to the amounts therein authorized to be provided for ; therefore.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That any and all bonds which may have been issued by said county court under the provisions of said acts, be, and the same are hereby, legalized and declared valid and

binding, and said court may continue to issue bonds under the provisions of said acts until the objects therein provided for are accomplished.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1882.

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#### CHAPTER 394.

AN ACT to amend an act, entitled "An act to authorize the trustees of the town of Monticello to tax and license the sale of spirituous, vinous, or malt liquors in the town of Monticello, Wayne county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That any person who shall engage in the sale of spirituous, malt, or vinous liquors, or a mixture of either, by retail, or shall employ any device whatever to evade the spirit of this section, within the corporate limits of the town of Monticello, without first having obtained a license from the board of trustees, and executing bond as herein provided, shall be guilty of a misdemeanor, and fined in the sum of fifteen (\$15) dollars for each offense, to be recovered by warrant issued by the presiding judge of the Wayne county court, police judge of said town, any justice of the peace of said county, or the chairman of the board of trustees for said town.

Fine.

§ 2. Any quantity less than ten gallons, sold at one time, shall be considered retailing.

§ 3. All money received under this act shall be paid into the common school fund.

§ 4. This act shall take effect from and after its passage.

Approved March 6, 1882.

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#### CHAPTER 396.

AN ACT to incorporate the Georgetown Hotel Company, of the town of Georgetown.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James William Craig, Robert Soper, Kinzea Stone, George Lancaster, and V. K. Glass, and those who may associate with them, and their successors and assigns, shall be, and they are hereby, created a body-politic and cor-

porate, by the name of the Georgetown Hotel Company, with the power in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatever as a natural person; to have and use a common seal, and to change and renew the same at pleasure; also to purchase and hold, in fee or by lease, a lot or lots of land, in the city of Georgetown, Kentucky, for a large and convenient hotel, and such other lots or parcels of land as they may require for their business, or may deem it expedient to acquire by purchase or lease.

§ 2. It shall be lawful for said corporation to build a hotel in said city, and to furnish the same, and to purchase and acquire all necessary goods and chattels for that purpose; and rent or lease the said hotel, before or after the same is furnished, or to keep and carry on the hotel on account of the corporation; and to erect store-houses and other buildings as may be expedient for the interest of the corporation.

§ 3. The capital stock of said company shall not exceed thirty thousand dollars, and shall be divided into shares of one hundred dollars each. The shares shall be personal estate, and transferable on the books of the company according to its by-laws. Each share of the capital stock shall entitle the holder to one vote at all elections of directors, and at meetings of stockholders.

§ 4. Whenever the sum of fifteen thousand dollars shall have been subscribed to the capital stock of this corporation, and ten per cent. of said amount subscribed actually paid in or secured to be paid, the said corporation may be organized and proceed to business. The said persons named in the first section of this act shall act as commissioners to receive subscriptions of stock, and shall fix the time and manner of paying the same, and prescribe in the subscription what failure shall authorize a forfeiture of the stock subscribed for.

§ 5. The said persons named in the first section of this act shall be the first board of directors of said corporation, and shall organize by choosing one of their number president; but if any of said persons shall fail to subscribe or pay in on account thereof as prescribed, his or their place or places as directors may be deemed or treated as vacant, and the vacancy or vacancies filled by the remaining directors. The directors shall provide by by-laws for the annual election of directors after one year from the first organization of the

company, and the president and directors shall always hold their office until their successors are duly qualified.

§ 6. The said corporation may borrow money, but not in excess of its capital stock subscribed, and may secure the same by mortgage on its real or personal property, or otherwise, and on such time as the president and directors, or a quorum thereof, may deem expedient.

§ 7. The private property of the stockholders is not to be liable to the debts of the corporation.

Approved March 6, 1882.

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#### CHAPTER 397.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within two miles of Robard's Chapel or School-house, in Casey county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful to sell or vend any spirituous, vinous, or malt liquors, or ale, or any mixture thereof, within two miles of Robard's Chapel or School-house thereat, in Casey county.

§ 2. Any person violating the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be guilty of keeping a tippling-house.

§ 3. This act to take effect from its passage.

Approved March 6, 1882.

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#### CHAPTER 398.

AN ACT for the benefit of Alexander E. Adams.

WHEREAS, Alex. E. Adams did, on or about the 12th December, 1861, recruit and transport at his own expense a company of infantry troops from Letcher county, Kentucky, to Irvine, in Estill county, Kentucky; and whereas, the said Adams was paid by the State of Kentucky through the hands of G. H. McKinney, Quarter-Master of the 19th Kentucky Infantry Volunteers, the sum of two hundred and eighty-five dollars to reimburse him for said expenses; and whereas, the State authorities did turn over to the United States Government said Adams and his company to serve in the United



States army, and that soon thereafter the said G. H. McKinney made a demand of the said Adams to refund said two hundred and eighty-five dollars, which demand was complied with, the Treasurer's receipt whereof is herewith filed ; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of the said Alex. E. Adams for the sum of two hundred and eighty-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1882.

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#### CHAPTER 399.

AN ACT to incorporate the Alexandria and Licking Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That James J. Gray, James H. Strawn, G. L. Trapp, Wm. C. Ducker, H. M. Healy, T. B. Youtsey, and John W. Schneider, or those of them who shall act, their associates, successors, and assigns, be, and are hereby, created a body-corporate, by the name of the "Alexandria and Licking Turnpike Company ;" with perpetual succession, and full power and authority to build, own, maintain, and carry on the business of a turnpike road between Alexandria and the Old State Road and Ripple Creek Turnpike, near the Licking Valley Church, in Campbell county ; and may contract and be contracted with, sue and be sued, purchase, acquire, own, sell, and convey any real or personal property, rights or interests, that may be found necessary by the board of directors for building and carrying on said turnpike and its business. The capital stock of the company shall not exceed fifteen thousand dollars, divided into shares of twenty-five dollars each ; and shall entitle the owner to one vote upon each share in all elections held by the stockholders.

§ 2. The said corporators, or such of them as shall act, may open books for the subscription of stock, and call meetings, to be held in said county, to organize said company.

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§3. The stockholders may, from time to time, adopt rules and by laws for holding their meetings and for elections. It shall be the duty of the company to hold a stockholders' meeting each year, on the first Saturday of December, for the election of directors, and such other purposes as may be prescribed by the by-laws, or required by the board of directors; and a special meeting of the stockholders may be held at any time, upon a call of the board and reasonable notice to the stockholders. In case of a failure to hold said annual meeting or election upon said day, it shall stand adjourned, from week to week, until such annual meeting and election shall take place; and in the meantime the directors in office shall hold over until their successors are elected and organize for business. The board of directors shall consist of not less than five (5), and may be increased by the company to not more than seven (7), as shall be determined by said by-laws, and the persons receiving the highest numbers of votes at any such elections shall be deemed elected. None but stockholders shall be eligible as president or directors. Said board shall elect a president, but in his absence may call one of their own number to preside at their meetings; and may appoint or employ a secretary and treasurer, and such other officers, agents, and employes, from time to time, in the business of said company, as deemed necessary; and may discharge them, or any of them, at pleasure; and may fill all vacancies occurring in said board or in any of said offices. They may, from time to time, dispose of any stock acquired or held by the company, whether taken or held for debts, liens, or otherwise. They may borrow money, but the bonded debt shall not exceed seven thousand dollars at any one time, and at a rate of interest not exceeding six per cent. per annum; and may execute notes or bonds of the company for the same, and to secure the payment thereof, or of any indebtedness, may mortgage or pledge all or any part of the property or income of the company; and may, from time to time, issue and dispose of stock of the company to complete said road, or to redeem said bonds or notes, or any of them. In case of default in payment of said bonds, or any of them, or interest thereon, for three months, after maturity thereof, the whole of such bonds shall thereupon become due, and the holders thereof, or any of them, may proceed by suit to enforce the lien, and sell the property and franchises of the company to pay.

first, the liens according to their priority, and then the general debts of the company; and the purchaser or the purchasers of said property and franchises shall succeed to all the rights of the company under the charter, and may re-organize the company accordingly. The right of way of said road shall be seventy feet wide, except at such places as the company may find it best to dispense with said width; but the same shall not be reduced to less than forty feet upon any part of said road. If found necessary, the company may proceed by writ of *ad quod damnum*, as prescribed in chapter 110 of the General Statutes, title "Turnpike, Gravel, and Plank Roads," to acquire any land for such way, or for rock quarries or toll-houses; such writ to be issued from and returned to the county court, which court shall make all such orders as may be necessary to carry out such proceedings, and to have the same appear of record in said court.

§ 4. The company may have one gate upon its said road, and charge and collect the same rate of tolls as prescribed and allowed by the charter of the Newport and Licking Turnpike Company; but in no event to exceed the rate fixed by chapter 110, of the General Statutes.

§ 5. This act shall be in force from its passage.

Approved March 6, 1882.

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#### CHAPTER 400.

AN ACT to amend the charter of the town of Cloverport.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in addition to the powers conferred upon the police judge of the town of Cloverport by the original charter of said town, approved February 11, 1860, the said police judge shall have the further power to grant and order attachments to the same extent that the county judge now has or shall hereafter have by law: *Provided*, That all attachments for sums over one hundred dollars shall be returned by him to the Breckinridge circuit court for further adjudication.

§ 2. That hereafter the regular elections of police judge and town marshal for said town, shall be held on the first Monday in June instead of the first Monday in August, and the expenses thereof shall be paid by the said town. The

said election shall be governed in all other respects by the original charter of said town and the amendments thereto. Any and all provisions therein in conflict with this act are hereby repealed.

§ 3. All officers elected under the provisions of this act shall qualify and enter upon the duties of their office on the third Monday in August next after the day of their election.

§ 4. This act shall take effect and be in force from its passage.

Approved March 6, 1882.

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#### CHAPTER 401.

AN ACT to amend an act, entitled "An act to authorize the Fayette county court to issue the bonds of said county for the purpose of providing for the payment of the coupons of the outstanding bonds of said county, and the redemption and cancelment of said bonds, and also to provide for the payment of the coupons, and the redemption of the bonds to be issued under the act approved January 27th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the receiver appointed under the act to which this is an amendment, or who shall hereafter be appointed, shall hold his place for such time as may be ordered by the Fayette county court, and may, at any time, be removed by the order of said court, but he shall only be removed at a court to which all the justices shall have been summoned, and by a vote in which a majority of all the justices of the said county shall concur; and the said county court either at their regular court of claims or at a called court of the justices to which all the justices of the said county have been summoned, a majority of said justices being present and concurring therein, may appoint such receiver.

§ 2. *Be it further enacted,* That when at any time there shall remain in the hands of the receiver funds which are not needed immediately for the payment of the interest, or the redemption of bonds, the said receiver, upon the order of the committee of the court who have been or may be selected as their agents to carry out the purposes of the said act and amendment, shall proceed to contract with one of the banks of the city of Lexington, or a banker of said city, as the said agents and committee of said court shall order, for interest to

be paid on the said deposit for such terms as may thus be agreed upon.

§ 3. The said county court may apply to the payment of their collector of the tax, their agents or committee, and their receiver, such sums as may be allowed to each of them out of the money collected by their collector from the tax authorized to be levied under the original act.

§ 4. This act shall be in force from its passage.

Approved March 6, 1882.

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CHAPTER 402.

AN ACT incorporating Dawson City.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the following boundary of land in Hopkins county, Kentucky, situated on Tradewater river, to-wit: Beginning at a planted stone, about six poles west of Mrs. Christina Alexander's house, running thence south forty-four degrees west one hundred poles to a planted stone in Galloway's field; thence north forty-six degrees west 116 poles to a planted stone northwest of Ben. Menser's barn; thence north forty-four degrees east one hundred poles to a planted stone at the corner of H. Elison's home-lot; thence south forty-six degrees east one hundred and sixteen poles to the beginning, be, and the same is hereby, incorporated as the town of Dawson City, and said town is established by that name with corporate limits aforesaid. William T. Dockery, H. Elison, W. D. Holloman, Ben. Menser, and W. I. Hambey, are hereby appointed trustees for said town, who shall hold their office until the first Saturday in July, 1882, and until their successors are elected and qualified; and if from any cause one or more of said named trustees cannot act, then it shall be lawful for a majority of same to act, and they are hereby invested with all the powers and authority given to the whole. It shall be the duty of said trustees to give notice, in writing, by posting the same in three public places in said town for ten days next previous to the said first Saturday in July, 1882, at which time an election shall be held in said town, at a place to be designated by said trustees, for the election of five trustees, who shall hold their office for twelve months, and

Boundary.

Trustees.

until their successors are elected and qualified ; and annually, on said first Saturday in July, an election shall be held in said town, after notice given as aforesaid, for the election of five trustees for said town. None but *bona fide* citizens, who have resided in said town, and have paid all taxes, fines, and costs due to said town, shall be allowed to vote for any of the officers of said town. At each annual election the five persons voted for as trustees having the largest number of votes shall be duly elected. The person who acts as clerk for the board of trustees shall hold said election, and give a certificate of election to the persons entitled thereto, and he shall deliver the poll-books to the trustees, who shall keep the same as part of the records of the office. Each trustee shall, before he enters upon the duties of his office, take an oath to faithfully and impartially execute the duties of trustee of said town, a majority of whom shall constitute a quorum to transact business.

§ 2. The board of trustees of Dawson City shall be a body-corporate and politic, and shall be known and designated by the corporate name of the trustees of Dawson City, and by that name may sue and be sued, contract and be contracted with, and may have all the rights and privileges necessary to consummate the purpose of their appointment.

§ 3. The trustees of said town shall elect one of their number chairman of the board of trustees. He shall preside at all their meetings, and vote only when there is a tie vote. He shall sign all the orders and proceedings of the board after each meeting, and until the police judge herein provided for is elected and qualified, and also when there is a vacancy in the office of police judge, or when he cannot properly preside. Said chairman of the board of trustees shall have and exercise all the powers and duties of a judicial officer conferred by this act on the police judge ; and all the decisions of said chairman shall be binding, and have the same effect as if rendered by the police judge.

Police judge.

§ 4. Said trustees shall appoint a clerk of the board of trustees, who may be one of said board, who shall be sworn before he enters upon the discharge of his duties, and receive for his services such compensation as the board may allow. He shall be a keeper of the records and papers of the board of trustees, and subject to removal at any time by the board.

§ 5. Said trustees are empowered to pass such by-laws and ordinances as may be necessary in their judgment for the good government and well-being of said town, and not in conflict with the laws of the United States and State of Kentucky, and to fill all vacancies that may occur in their own number until the next succeeding general election; to levy a poll-tax upon each male citizen of said town who has resided therein for sixty days of any sum not exceeding two dollars and fifty cents, and an ad valorem tax upon each one hundred dollars' worth of property within said town, whether belonging to persons or corporations, and which is subject to taxation for State purposes, annually, any sum not exceeding fifty cents, to be applied by the board for municipal purposes; and all fines and forfeitures for the violation of the laws and ordinances of said town, and all moneys paid in for licenses granted under this charter, shall be collected and paid over to the treasurer of said town, to be used by the board of trustees for the benefit of said town. Said trustees shall each year appoint an assessor, between the first of March and first of May, to assess and list the taxable property and tithes of said town, whose duty it shall be to make out a full list thereof, and return the same to the trustees, and they shall have the same filed as a part of the records of the town. The assessor shall have power to swear each party assessed; and if any party is aggrieved by the assessment, either as to the valuation of his property or otherwise, such person may, at any time after such assessment, and before the first day of August following, apply to said board of trustees for correction, who shall hear proof that may be offered, and decide accordingly.

Levy poll-tax.

Assessor.

§ 6. There shall be a full and complete record kept by the board of trustees of all their acts, and the same shall be open and subject to the inspection of any citizen of said town, under all reasonable requests, and the clerk of the board shall deliver to any one demanding the same a certified copy of any order or paper or record in his office, and he is allowed to charge for such service the same fee as were allowed by law to county clerks for like service.

Clerk of board.

§ 7. After the first day of June of each year said trustees shall fix the rate of poll and ad valorem tax to be collected for that year, and have the sum recorded. The clerk shall then make out a list of taxes against each person, and the

Rate of taxation

Marshal—duties.

amount of property listed, and shall deliver it to the marshal or collector of tax for said town, and take his receipt therefor and file it with the records of said board. It shall be the duty of said marshal or tax collector to collect the same, and he is hereby vested with full power and authority to do so by levy and distraint, and to the same extent that sheriffs have and are vested with to collect the State revenue, and pay it over to the treasurer of said board on or before the first day of November next thereafter; and for failing to do so, said treasurer may, in the name of the trustees of said town, institute a motion against said marshal and his securities in the Hopkins circuit court, Hopkins quarterly court, justices' court, or police court of said town, or any court having jurisdiction of the amount claimed, and may recover the amount due and ten per cent. damages thereon, and costs of suit, and may collect the same by execution without the right of replevy: *Provided, however,* That no judgment shall be rendered against said marshal or collector or his sureties without a written notice of at least ten days before the day of trial: *And provided further,* That if said marshal or collector shall, between the first day of November and the first of December, make out and swear to a list of said taxes uncollected, and that he has made diligent search for the property of the delinquent, and failed to find any, and that he has applied to said delinquent, if in town, and demanded payment, and if he does not know of any property out of which to make the taxes, he shall be relieved from liability to that extent on his receipt. The clerk of said board may from time to time re-list and hand over to the marshal or collector the delinquent list, and they and their sureties shall be held responsible for the amount collected.

Treasurer and duties.

§ 8. The board of trustees shall appoint a treasurer of their board, who shall execute a bond, with good security to be approved by the board, conditioned that the treasurer shall faithfully perform all his duties as such, and pay over all the money that shall come to his hands as treasurer, as the board of trustees shall order and direct; and for a violation of said bond the board of trustees, or any one injured thereby, may have and maintain an action against said treasurer and his sureties in any court having jurisdiction of the amount claimed.



§ 9. The board of trustees may, until the election in July, 1882, appoint a marshal for said town, whose appointment shall be entered of record, and upon a certified copy thereof being produced to the clerk of the Hopkins county court, he shall, at a regular or special term of said court, administer to said marshal the same oaths taken by constables, and that he will faithfully perform all the duties of marshal of said town according to law; and said marshal shall execute bond with good security in said court as constables are required to do, with the further covenant that he will perform all the duties of marshal of said town according to law; the bond shall be attested by the clerk, approved by the court, and filed in the clerk's office. The marshal shall pay the clerk a fee of one dollar for his trouble. The marshal and securities on his bond shall be liable thereon to the trustees of said town, and to any and all persons, as constables are liable on their bonds, and the like penalties and actions may be had thereon. The marshal first appointed by the board shall hold his office until his successor is elected and qualified. The first election for marshal of said town shall take place on the first Saturday in July, 1882, and at the same time and place, and in the same manner as directed in the election of trustees for said town, and annually thereafter, on the same day of the month, and his time of office shall be one year and until his successor is elected and qualified. The person voted for at such election for marshal, and receiving the highest number of votes cast, shall receive from the clerk a certificate of his election, and execute bond and qualify in the same manner as herein directed when the board appoints, before entering upon the discharge of his duties; and the marshal of said town shall have the same powers, authorities, and jurisdiction that is given to constables, and shall be under the same responsibility and liabilities for his acts.

May appoint marshal.

Election of marshal.

§ 10. The marshal shall have and receive for his services the same fees and commissions allowed by law to constables for like service, and for collecting taxes and performing service for said town such commission and fees as may be agreed upon by him and the board of trustees. It shall be the special duty of said marshal to execute all process issued for an alleged violation of the by-laws and ordinances of said town, and to receive and execute all process issued by the police judge of said town, or by or at the instance of the

Fees of marshal.

chairman or board of trustees, and to return the same, and to arrest all drunkards and disorderly persons in said town, and to take them before the proper officer for trial.

§ 11. Whenever there is a vacancy in the office of marshal, the same may be filled by appointment of the board of trustees until the succeeding general election; and said appointee shall execute bond and qualify, and be responsible for his acts in the same manner and to the same extent as herein required for the first appointment.

May appoint policemen.

§ 12. The board of trustees for said town shall have regular meetings for the transactions of business at least once a month, the time to be fixed by their records, and may have call meetings when their business requires it, and may, in case of a vacancy in the office of marshal, appoint a tax collector, and take from him bond, with good security, for the discharge of his duties, and may, at any time, when they deem it expedient or necessary for the public good, appoint any necessary number of policemen to assist in suppressing riots and disorderly conduct, and in keeping the peace, and pay such policemen such sum as may be agreed upon for their services.

§ 13. All officers of said town shall be residents thereof, and at least twenty-one years of age.

Grant licenses.

§ 14. The board of trustees of said town shall have power and authority to grant license to coffee-houses to run for one year, which license shall be signed by the clerk of the board; but before any shall be granted, the applicant therefor shall pay to the clerk of the Hopkins county court the State tax, and produce to the trustees the clerk's receipt for same, and shall also pay to the treasurer of said board any sum, to be fixed by the board, not less than one nor more than two hundred dollars; the applicant shall also, in addition, execute bond, with good security, before said board, conditioned that he will keep an orderly house, and upon his failure, that he shall forfeit his license and all rights acquired thereunder; and said board of trustees are hereby invested with power, after ten days' notice, to investigate and decide as to the breach of said bond and the forfeiture of his license. The applicant shall pay the clerk of said board one dollar for taking the bond.

Sale of liquors.

§ 15. It shall be unlawful for any person to sell, by retail, any spirituous or malt or vinous liquors within said town,

without first having obtained a license so to do from said board of trustees, and before any such license shall be issued, the applicant, if he be a tavern-keeper, shall pay to the treasurer of the board of trustees a sum to be fixed by said board of not less than seventy-five nor more than two hundred dollars, and if he be a druggist or merchant, he shall pay a sum to be fixed by said board, which amounts are in addition to the amounts now required to be paid to the State. All license issued by said board shall run for one year.

§ 16. The board of trustees of said town shall, if practicable, on or before the first day of January, 1883, have a well defined plat of the boundary of said town, streets, and alleys made out, and retain one copy for the inspection of the citizens of said town, and have a copy of same recorded in the Hopkins county court clerk's office. The location of Main street on the southeast side of the Paducah and Elizabethtown Railroad shall commence at said railroad, where the Madisonville and Princeton road crosses said railroad, and run at right-angles with said railroad south forty-five degrees east about eighteen poles; the same to be not less than forty feet wide. Said trustees are hereby invested with full power and authority to open up streets and alleys over and through any lands within the boundary of said town, as public convenience may demand, and to diminish or discontinue the same, as in their wisdom may best subserve the public good. If the owners of land, through which it is desired to run streets or alley, object to the same, and a trade or compromise cannot be effected, then said board of trustees may, by applying to the Hopkins county court, and furnishing to said court a description of the land wanted, and the names of the owners, obtain from said court a writ of *ad quod damnum*, directed to the sheriff of Hopkins county, to summon a jury to decide as to the value of said land, after the manner pointed out on page 761 of the General Statutes of Kentucky; after the verdict of the jury is returned to the court, either party may take an appeal to the Hopkins circuit, where the case may be tried anew. If no appeal be taken, the verdict of the jury shall stand, and by paying or offering to pay the damages fixed by the jury, if any, the board of trustees may then proceed as if no objection had been made. The party succeeding in the suit shall have judgment against the unsuccessful party for his costs.

Election of police  
judge.

Powers and du-  
ties of police  
judge.

§ 17. On the said first Saturday in July, 1882, at the same time and place that the trustees and marshal are to be elected, there shall be elected by the same voters of said town a police judge, who shall hold his office for two years, and until his successor is commissioned and qualified; and on the first Saturday in July every second year thereafter the voters of said town shall elect a police judge. The clerk of the board of trustees shall give a certificate to the person receiving the highest number of votes for police judge, and upon the presentation of the same to the Governor of Kentucky he shall issue a commission to said officer. He shall, by virtue of his office, be a conservator of the peace, and shall, before he enters upon the discharge of his duties, be commissioned and sworn to faithfully and impartially execute all the duties of police judge of said town, and also such other oaths as are administered to justices of the peace. He shall have the same powers, authority, and jurisdiction in civil, penal, and criminal cases, and in addition, except when there is a vacancy in his office, he shall have exclusive jurisdiction within the limits of said town of all the infractions of the by-laws and ordinances of said town, and of riots, affrays, and breaches of the peace committed within the limits thereof, and he shall have power to administer oaths, render judgments, issue executions, and collect fees the same as now belongs to justices. He shall also have power to fine for contempt any sum not exceeding five dollars and to imprison not exceeding ten hours. He shall have all necessary power for issuing original and compulsory process against parties and witnesses, and he may order a jury to try any civil case before him at the request of the parties when the amount in controversy is over ten dollars. He shall order the arrest of any drunk or disorderly person within the limits of said town, and upon such person being brought before him, he may order him to be confined until he is sober, and he may require a disorderly person to give security to be of good behavior for any period not exceeding one year; the bond shall be to the Commonwealth of Kentucky in any reasonable sum not exceeding one thousand dollars, and his court shall be a court of record. When a peace bond is violated, the trustees of said town may institute proceedings for the breach thereof before any court having jurisdiction of the amount, in their corporate capacity, and the fine, if any

assessed, shall be paid over to the treasurer of said town for the benefit of the town. A vacancy in the office of police judge shall be filled by the trustees of said town until the succeeding annual election for trustees. When the voters of said town shall elect a police judge to fill out the unexpired term, whose qualification shall be the same as that required for the first officer herein for said office, the succeeding police judge so soon as elected, commissioned, and sworn in, shall be entitled to all the books and records of his predecessor. No appeal in civil, penal, or criminal cases, where the amount involved does not exceed ten dollars, besides interest and costs, shall be taken from the decisions of said judge. The fees of said judge shall be as follows, to-wit: For warrant for a riot, affray, or breach of the peace, fifty cents; for a warrant for a breach of any of the by laws or ordinances of said town, fifty cents; for swearing a jury and presiding at the trial in a penal case, or for trying same without a jury, one dollar; for taking recognizance, fifty cents; entering judgment, twenty-five cents; each subpoena, twenty-five cents; and for all other fees same as now allowed justices. He shall hold his courts quarterly for the trial of all civil cases pending before him on the first Mondays in March, June, September, and December, and may continue each term from day to day until completed, and he may try all penal and criminal causes as soon as brought before him, giving parties a reasonable time to prepare for trial.

Vacancy in office of police judge—how filled.

Appeals.

§ 18. The board of trustees shall have power and authority to compel the owners of lots and parts of lots in said town to pave in front of same, the grade, width, and kind of pavement, whether of brick or wood, and the curbing, to be designated by said trustees, after reasonable notice, attested by the clerk of said board, posted in one or more public places in said town; and upon a failure of the owners to pave the same as said board shall order, said board is hereby empowered and authorized to have said work done at the expense of the owners, and shall have a lien upon the lots in front of which said improvements are made for the costs thereof. which lien may be enforced by suit in the Hopkins circuit court in the name of said trustees in their corporate capacity.

§ 19. Said trustees shall have power and authority to own, possess, and control, for the use, benefit, and ornament of said

May purchase real estate.

town, any real or personal estate that they may acquire by purchase, donation, or otherwise, and may sell and convey the same, a majority of the board consenting thereto on the record; they may also obtain a corporate seal, and change the same at pleasure.

§ 20. For the non-payment of taxes due to said town upon any real estate, the marshal is hereby vested with power and authority to sell such real estate for the amount of taxes and cost of sale, at the court-house door in the town of Madisonville, Kentucky, for cash, at such time and after such notice as is required of sheriffs in sales of real estate; and when sold and not redeemed within two years from the date of sale by paying over the price bid, and ten per cent. per annum thereon, said marshal or his successor in office shall convey the same by deed to the purchaser or his assigns.

§ 21. For all taxes levied as herein authorized the town of Dawson City shall have a lien upon the property assessed relating back to the time when the assessment should commence; but the purchasers of property owing taxes shall be liable only upon the property purchased.

Establish pest-houses.

§ 22. Said board of trustees shall have power, in addition to the other powers herein granted, within the limits of said town, to prevent the introduction and spreading of infectious diseases, and to establish pest-houses, and proscribe the regulations for their government, and to pass and enforce such ordinances as will secure the general health of the inhabitants; to declare what are nuisances, and abate same; to license, tax, and regulate auctioneers, distillers, brewers, and pawnbrokers, and to tax and lay duties on shows, menageries, and exhibitions of every kind; sale of goods at auction in said town; to prohibit bawdy-houses, and to provide, by ordinance, for the punishment of the keepers and inmates thereof, and to do any and all things that may be necessary and proper for the good government, peace, and quiet of said town.

§ 23. All money obtained for license, fines, and forfeitures authorized by this charter, and for fines and forfeitures imposed by the by-laws and ordinances of said town, shall be paid into the town treasury for the benefit of said town.

May pass ordinances.

§ 24. The trustees of said town may pass suitable ordinances or by-laws, with penalties annexed, to suppress gambling-houses, riots, routs, and breaches of the peace, dis-

orderly or indecent conduct or obscene language, disturbing religious worship, schools, public speaking or lectures, or injury to any property, public or private, within the limits of said town.

§ 25. In the trial of any person by the police judge or chairman of the board of trustees for breach of the peace, riot, rout, or affrays, a jury of six men may be empaneled at the instance of the defendant, and the punishment for such offenses shall be the same as prescribed in the General Statutes; and in all such cases, and where persons are fined for a violation of the by-laws and ordinances of said town, and the fine be not paid or replevied, the party shall be committed to prison in the guard-house, to remain in confinement until the fine and all costs shall be discharged; and his imprisonment shall be at the rate of two dollars per day until the fine and costs be satisfied. Said board of trustees shall have the authority and power to erect a lock-up or guard-house within the limits of said town, and they may make regulations for the government thereof, and for the discipline of all the prisoners confined therein, and may acquire, by purchase or donation, or may condemn the necessary real estate on which to erect said house, and after the erection of said house it shall be lawful for the police court of said town to commit and confine therein any and all persons convicted of violating the law under this charter. This act shall take effect and be in force from and after its passage.

Erect a guard-house.

§ 26. This act shall take effect from its passage.

Approved March 9, 1882.

## CHAPTER 403.

AN ACT to incorporate Carr Institute, in Fulton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. E. B. Eddings, A. P. Fields, Dr. A. B. Whayne, A. T. Thompson, A. R. Hunsaker, Albert Leet, Henry Morman, J. P. Tyler, and J. A. Collins, be, and they are hereby, created a body-politic and a corporation, under the name and style of the "Carr Institute," to be located hereafter within the limits of the school district in which Fulton, Fulton county, Kentucky, is situated, for the education of males and females,

Incorporators.

Style.

with perpetual succession; and in that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of law and equity; may have a common seal, which they may break, alter, or renew at pleasure; shall have power to adopt such laws, rules and regulations, for the management and superintendence of said college, as they may, from time to time, deem expedient: *Provided*, That the same be not repugnant to the laws of the Commonwealth of Kentucky; and they shall serve and be empowered as trustees of said institute, in accordance with the provisions of this charter, until the election for the purpose of electing trustees in May, 1884, shall occur, and their successors shall have been elected and qualified.

§ 2. Said corporation may at all times hereafter be capable in law to have, receive, and retain, to them and their successors, property, real and personal; also devises or bequests of any person or persons, bodies co-operate or politic, capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper.

Pro rata school fund.

§ 3. That the college shall be, and is hereby, declared a common school, and shall be entitled to all the rights and privileges of a common school, and shall draw from the school fund of the State of Kentucky each year all the moneys due the district in which said college is located: *Provided always*, That said college shall afford facilities for teaching all the white children in said district, and for the period of which each of said pupils is or may hereafter be entitled to tuition under the general laws in relation to common schools.

Subscription.

§ 4. For the purpose of enabling the trustees first mentioned to build a suitable building, the question of a subscription of (\$5,000) five thousand dollars by taxation shall be submitted to the qualified white voters of the district where said college is to be located, on the first Saturday in May, 1882, and that said election shall be held as follows: the clerk appointed to hold an election for the purpose of electing police judge, town marshal, and six trustees of the town of Fulton, Kentucky, shall be the clerk of this election; that in making out the poll-book for the purpose of recording the votes of the district at the election to be held as before mentioned, the clerk of said election shall prepare two columns



in the poll-book for the purpose of ascertaining the desire of the people of said district in relation to the subscription before mentioned; the first column shall be headed "for subscription," the second "against subscription," and in taking the vote in said election, the question shall be distinctly put to every qualified white voter, "Are you for or against the subscription of five thousand dollars by the school district for the purpose of building a school building within the bounds of this school district?" and the clerk of the election shall record the vote in accordance with the answer; that the vote of said question shall be kept recorded and counted, and the result made known at the same time and in the same manner and by the same officers as the result of the election of municipal officers of the town of Fulton, Kentucky; and if a majority of the votes cast are in favor of said subscription, then the trustees may proceed to levy the same.

§ 5. The board of trustees shall annually, by some suitable Assessment. person appointed by them, make an annual assessment of the real, personal, and residuary estate and property within said school district, and are hereby authorized to levy a tax, not to exceed thirty cents on one hundred dollars of taxable property in said district subject to taxation for revenue purposes for any one year, and a poll-tax not to exceed two dollars on each white tithe in said district, for the purpose of enabling them to pay one fifth of the subscription, together with accrued interest on the amount remaining unpaid, and a like levy each year thereafter until the whole amount is paid, together with accrued interest. The collector of this tax shall be a suitable person, selected by said board of trustees. Said collector shall give good and sufficient bond, in any amount required by said trustees, and shall make settlements and pay over moneys in his hands whenever directed by said board of trustees.

§ 6. The board of trustees of said college are hereby May issue bonds. authorized to issue bonds to the amount of the subscription, payable in one, two, three, four, and five years. Said bonds shall bear a rate of interest not to exceed eight per centum per annum, and said bonds shall be issued in such denominations as said board of trustees may deem proper, not exceeding one thousand dollars each; and that the money realized from the sale of said bonds shall be applied to the building

and furnishing of the college hereinbefore mentioned. Said bonds or notes shall be made payable to the bearer, and shall be signed by the chairman of the board of trustees, and attested by the clerk of said board, and shall pass by delivery, and shall be indorsed by the board of trustees of the town of Fulton, Kentucky, and that the faith and credit of the school district be, and the same is hereby, pledged to carry out in good faith any and all contracts made by it for the issuance and payment of said bonds; and that all bonds or notes issued and delivered under this act shall be valid and binding on the parties thereto, and only bona fide owner or holder of any such bond or note, issued and delivered as aforesaid, on obtaining judgment in any court of competent jurisdiction against the said school district, shall, if the district refuse for sixty days after demand to levy and proceed in good faith to have collected a tax sufficient to pay any such judgment, interest, and costs, be entitled, on application to the circuit court, or in vacation to the circuit judge of the district in which said school district is situated, after having notice thereof served on the chairman of the trustees of said "Carr Institute," to have an order made, based on the last preceding assessment, levying a tax and appointing a collector, whose duty it shall be to collect from the tax-payers of the district sufficient to pay off such judgment, interest, and costs of collecting the same; and the collector so appointed shall have all the power given by law to the collector of the State revenue and county levies, and be liable in like manner, and shall receive for his services eight per cent. on all collections so made, and shall execute a good and sufficient bond before proceeding to collect as herein provided, and said bond shall be approved by the judge, appointed and lodged with the circuit clerk of Fulton circuit court; and said bonds, when paid or canceled, shall be destroyed in the presence of said board of trustees before mentioned, and a record of the same shall be kept by each of the said board of trustees, subject to inspection at any and all times by the tax-payers of the school district.

§ 7. That it shall be the duty of the said trustees to make an annual report to the Superintendent of Public Instruction or county commissioner of all moneys received and expended, and for what purpose expended.

Report.

§ 8. That election for trustees of said college shall take place at the same time and place as the election of the trustees of the town of Fulton, Kentucky. Election.

§ 9. And it shall be the duty of the persons appointed to assess the property subject to taxes in said district, to take the census of all white children of pupil age in said district, and return the list, one copy to the board of trustees and one to the commissioners of common schools; such assessment and census shall be made during the month of May in each year.

§ 10. The trustees shall contract with competent teachers to fill the different chairs of said college; should a vacancy occur at any time in the board of trustees, it shall be filled by the board meeting, or a majority of them, and electing from the tax-payers of said district a member to fill said vacancy.

§ 11. No person shall be eligible to fill the office of trustee who is not over twenty-five years of age, and a tax-payer in said district.

§ 12. The said corporation is hereby vested with power and authority to grant diplomas, certificates, and medals in conformity with the provisions of its constitution and by-laws; and shall be entitled to all the rights and privileges conferred upon other colleges and universities.

§ 13 That the trustees are hereby authorized to sell and convey the school interest in and to the house and lot known as the "Fulton Seminary," in the town of Fulton, Kentucky; also the house and lot known as the "Public School-house," in the said town; and the proceeds of said sale shall be expended on the building and lot hereinbefore mentioned, and known as the "Carr Institute." The board of trustees shall, at their first meeting, after taking an oath to faithfully discharge their duties as trustees of said institute, elect one of their number chairman, who shall preside over all meetings of the board, and decide all questions when there is a tie of the other members present. They shall also elect a clerk and treasurer, who shall, before entering upon the discharge of their duties, execute a good and sufficient bond that they will pay over any and all moneys that may come into their hands as such officers. Oath.

§ 14. The lands, building, and property of the "Carr Institute" shall be free and exempt from taxation, either State, Exemption.

Clerk and treasurer. ■

city, corporation, or county, as long as the same is used for the purposes set out in this chapter.

§ 15. This act shall take effect from and after its passage.

Approved March 9, 1882.

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#### CHAPTER 404.

AN ACT to amend an act, entitled "An act to authorize and empower the Montgomery county court to issue bonds for the purpose of re-funding and paying the outstanding and unpaid bonds of the Lexington and Big Sandy Railroad Company against Montgomery county," approved April 8th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the word "first," in the sixth line of the body of said act, be, and the same is hereby, amended and changed so as to read "fifteenth."

§ 2. This act to take effect from its passage.

Approved March 9, 1882.

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#### CHAPTER 405.

AN ACT to authorize the county court of Adair county to borrow money for the benefit of the poor of said county, and to provide for the payment thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Adair county is authorized to borrow any sum, not exceeding twenty-five hundred dollars, to buy provisions for the destitute poor persons in said county, to be distributed under the orders of said court, and issue the obligation or obligations of said county for the sum or sums so borrowed, to be signed by the county judge and countersigned by the county court clerk; said sum or sums to be borrowed on such time as may be fixed by the county court, not exceeding two years.

§ 2. In order to raise a fund to pay said obligations, said county court is authorized to levy an ad valorem tax on the taxable property of said county, to be collected as the State revenue is now collected.

§ 3. It shall be the duty of the county judge of said county to call the county court together for the purpose of consider

ing the propriety of borrowing and appropriating said money when a petition is presented to him by ten citizens of the county requesting the same.

§ 4. This act to take effect from and after its passage.

Approved March 9, 1882.

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CHAPTER 406:

AN ACT to amend the charter of the city of Paducah, in McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That in addition to the powers already granted by section seventy-two of the revised charter of the city of Paducah, Kentucky, approved February 11th, 1871, to issue bonds on obligations of the city in renewing or funding any existing liabilities of the city, said section is hereby so amended that the council shall have power to relieve said bonds, or any other bonds the common council may hereafter issue for the benefit of the city, from city taxation; and said council shall also have the power to relieve any bonds the county of McCracken may issue for the purpose of funding any existing liabilities of the county, or any other bonds the county may issue for the benefit of McCracken county, from city taxation (two thirds of all the members composing the entire council that the city is entitled to elect under the charter concurring therein), evidenced by the record, by a call of the ayes and nays

§ 2. That any bonds the common council of the city of Paducah may hereafter issue, for any purpose, shall not bear a greater rate of interest than six per cent. per annum; that the common council of said city of Paducah shall have the power to issue said bonds in such sums and payable at such times as in their judgment shall be deemed best for the interest of said city: *Provided*, That it shall require a vote of two thirds of all the members composing the entire council of said city of Paducah is entitled to elect under the charter, evidenced by a call of the ayes and nays.

§ 3. That hereafter the city of Paducah shall have power and the right to buy and purchase at decretal, execution, or at private sale, any gravel roads, real estate, or property of

any kind in which said city may have an interest, within or without the limits of said city; and all acts or parts of acts in conflict with this section is hereby repealed.

§ 4. That the revised charter of the city of Paducah, approved February 11th, 1871, be, and the same is hereby, so amended that the word "common," when the same is used in conjunction with council to designate the legislative branch of the city government, is hereby stricken from the revised charter, and all the amendments thereto, and hereafter the title shall be the council of the city of Paducah.

§ 5. That the common council of the city of Paducah shall have power, at either of the regular meetings in the month of March, 1882, to elect three persons, to be styled trustees of Oak Grove Cemetery, and said trustees shall have the control and superintendence of said cemetery, under the ordinances and resolutions of said council, and shall perform the duties prescribed by said council for said trustees of said cemetery, and shall hold their office from the time of their appointment in March, 1882, until the second Monday in June, 1883, or until their successors are duly elected.

§ 6. The city council, at either of its regular meetings in the month of June, 1883, shall elect three persons to act as trustees, whose duties shall be the same as those prescribed in section six of this act; and said city council shall divide said trustees into three classes—the first shall hold his office for one year, the second shall hold his office for two years, the third shall hold his office for three years respectively, from the time of their election in June, 1883, or until their successors are elected or appointed; and in the month of June thereafter of each year, at either of its regular meetings, said council shall elect one trustee for the term of three years; and said council shall fill all vacancies in said board of trustees by election at the first meeting of said council after receiving notice of the vacancy.

§ 7. That the office of trustee of Oak Grove Cemetery shall not be incompatible with the office of councilman of the city of Paducah, and said trustees shall not receive any salary or fees for their services; and said trustees shall be residents of the city of Paducah, and bona fide owners of lots in said cemetery.

§ 8. That an act, entitled "An act revising the charter of the city of Paducah," approved January 24th, 1872, be, and the same is hereby, repealed.

§ 9. That the revised charter of the city of Paducah, Kentucky, approved 11th, 1871, be, and the same is, so amended that hereafter the common council of the city of Paducah shall have the power to regulate the sale of spirituous, vinous, and malt liquors by druggist in the city of Paducah, and said council shall prescribe by ordinance such terms and conditions and penalties as they may deem best for the sale of said liquors by the druggist of said city, not in conflict with the Constitution and General Statutes of the State.

§ 10. That section one of an act to amend the charter of the city of Paducah, approved February 26th, 1878, be, and the same is hereby, so amended that hereafter no person shall be intelligible to any office to which such person may be elected to in the city of Paducah by reason of any such person being on any license bond to said city, either as principal or security; and all of the provisions of said section one not in conflict with this act are to remain in full force and effect.

§ 11. That hereafter the trustees of the public schools of the city of Paducah shall be trustees of the Male University and Female Seminary of said city; and all acts or parts of acts in conflict with this section of this act is hereby repealed.

§ 12. All laws in regard to said Male University and Female Seminary of the city of Paducah, except as provided in section eleven of this act, is to remain in full force and effect.

§ 13. That section sixty-six of the revised charter of the city of Paducah, Kentucky, be so amended that hereafter it shall not be required of any person elected to any office in said city to be released upon any bond executed to said city as surety before his election, but shall, before any such person elected to any office in said city qualifies to the office to which he is elected, to be released as such security, as provided for in section sixty-six; and all of the provisions of section sixty-six, not inconsistent with this section, is to remain in full force and effect.

Approved March 9, 1882.

## CHAPTER 407.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Falmouth, in Pendleton county," approved April 5, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Falmouth, Pendleton county," approved on the 5th day of April, 1878, be, and the same is hereby, amended as follows, viz:

§ 1. By inserting the word "six," in lieu of the word "four," in the second line of section six of said act.

§ 2. By striking out all words beginning with the word "under," in the twenty-third line of subsection fourteen of section forty-seven of said act, and including all of the remainder of said subsection, and inserting in lieu thereof the following words: "And shall be subject to a fine of not less than twenty dollars nor more than sixty dollars, and said fine to be recovered by summons or warrant in the Falmouth police court." All provisions in said subsection providing for indictment and fine in the Pendleton criminal court, are hereby repealed.

§ 3. That the outside and all party walls of all dwelling-houses, store-houses, or other buildings hereafter to be erected or built within the limits of said town, as the same now exists or may hereafter be extended, shall be constructed of stone, brick, or iron, unless the builder shall obtain a permit from the board of trustees of said town to construct the same of other material; and that said board of trustees shall have power to pass and adopt ordinances regulating the construction of all buildings hereafter built in said town, and ordinances inflicting sufficient penalties to enforce such rules and regulations as they may adopt under this section.

§ 4. That said board of trustees shall have the power, by ordinance, imposing penalties to provide against fires from defective fire-places, flues, chimneys, furnaces, or other causes, insecure walls and dangerous buildings of every kind, and repair or take down the same at the expense of the owner or owners of such building or flues.

§ 5. That hereafter it shall be unlawful for any person to dig a privy vault within the limits of said town for the purpose of constructing a privy thereon; and any one now



having a privy so constructed within the limits of said town shall, within six months from the passage of this act, fill up and disinfect said vault; and any person or persons who shall violate or fail to comply with the provisions of this section shall, upon indictment and conviction in the Pendleton criminal court, be subject to a fine of not less than twenty-five dollars nor more than fifty dollars.

§ 6. The board of trustees of said town shall have the power and hereby authority to change or alter the name of any or all of the streets of said town, by an ordinance regularly adopted, signed, and recorded in the ordinance book of said town; but before such change or alteration shall be valid, the same must be recorded in the minute-book of the said board of trustees, together with a plat of all the streets of said town, and the names thereof; and clerk of said board of trustees furnish to the clerk of the Pendleton county court a copy of the proceedings changing or altering the names of said streets, and a copy of the plat of said town, and have the same recorded as the original plan or plat of said town is recorded in said clerk's office.

§ 7. All appeals from judgments of the police court of said town shall be prosecuted as and regulated by Code of Practice, and amendments thereto, regulating appeals from the judgments of police and courts of similar jurisdiction.

§ 8. All acts or parts of acts in conflict with this act be, and the same are hereby, repealed.

§ 9. This act to take effect from and after its passage.

Approved March 10, 1882.

## CHAPTER 408.

AN ACT to amend an act, entitled "An act to incorporate the Henderson Bridge Company," approved February 9th, 1872.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Henderson Bridge Company be, and it is hereby, authorized and empowered to have and exercise in the State of Indiana all the rights, powers, faculties, franchises, and privileges contained in and conferred by an act of the General Assembly of the State of Indiana, approved April 8th, 1881, and entitled "An act supplemental to an

act, entitled 'An act providing for the incorporation of companies formed for the purpose of constructing bridges for railway or common road-way purposes, or both, over rivers and streams forming the boundaries of the State of Indiana or a part thereof,' approved March 2d, 1875, and also the rights, powers, faculties, franchises, and privileges contained in and conferred by the act to which the said entitled act is supplemental, so far as the same may, by the laws of said State, be had and exercised by the said company.

§ 2. And whereas, the board of directors of the said Henderson Bridge Company, by resolution adopted on the 16th day of April, 1881, accepted the benefits of the said acts of the General Assembly of the State of Indiana, in the first section of this act mentioned. Said action of the said board of directors is hereby approved, ratified, and confirmed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1882.

#### CHAPTER 409.

AN AOT to amend an act approved April 10th, 1878, incorporating the town of Bardwell, Ballard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Trustees.

§ 1. That the municipal government of said town shall consist of the board of trustees, composed of six persons and a police judge, who shall be *ex officio* chairman of said board.

§ 2. That said board of trustees and their successors shall be a body-politic and corporate, and shall be known and called the board of trustees of Bardwell, and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, suing and being sued, of pleading and being impleaded, defending and being defended, in all courts and places, and do all other acts, matters, and things which a body-politic and corporate, having perpetual succession, may lawfully and rightfully do within the limits of the powers herein granted.

Officers.

§ 3. That the other officers of said town shall be as follows : A police judge, an attorney, a clerk, a treasurer, a marshal, an assessor, and a collector.

§ 4. That an election shall be held in said town annually, Election.  
on the first Saturday in December, at such place as the board  
of trustees may designate, and of which ten days' previous  
notice shall be given by printed notices, posted in at least  
five public places in said town by the town clerk.

§ 5. That at the annual election there shall be elected, by Police judge.  
the qualified voters of said town, four trustees, a police judge,  
and a marshal; and the person or persons receiving the high-  
est number of votes in the whole town for either of said  
offices of said town shall be declared duly elected.

§ 6. That the officers elected by the people under the pro- Term.  
visions of this act shall respectively hold their offices for one  
year, and until their successors are elected and qualified, re-  
spectively. All other officers mentioned in this act, and not  
otherwise specifically provided for, may be appointed by the  
board of trustees, at the first regular meeting thereof after  
the annual election, or as soon thereafter as may be, and re-  
spectively continue in office one year, and until the appoint-  
ment and qualifications of their successors; but watchmen,  
policemen, and firemen may be appointed to hold office dur-  
ing the pleasure of the board of trustees.

§ 7. No person shall be eligible to any office in said town Qualification.  
who is not a citizen thereof and a qualified voter under the  
laws of the State; and no one shall be eligible to the office of  
judge, marshal, trustee, or attorney, who has not, at the time  
of his election, resided in said town at least six months pre-  
vious to such election.

§ 8. That every person elected or appointed to office under Oath.  
the provisions of this act, before entering upon the duties  
thereof, shall take and subscribe, before some officer author-  
ized to administer oaths, the oath of office prescribed by the  
Constitution of this Commonwealth, and file the same, duly  
certified by the officers before whom it was taken, with the  
clerk of said town.

§ 9. That whenever a vacancy shall happen by death, re- Vacancy.  
moval, resignation, or otherwise, in any office filled by elec-  
tion, such vacancy shall be filled by an election, to be held  
within ten days after the board of trustees have notice of  
such vacancy. Any vacancy occurring in an office appoint-  
ive by the board of trustees shall be filled by appointment.

§ 10. That when two or more candidates for any elective Ties.  
office shall have an equal number of votes for the same

office, the election shall be determined by lot in such manner as the board of trustees may direct, and in the presence of the board of trustees and at least three other persons.

§ 11. That the board of trustees shall, before every town election, appoint suitable persons as officers of election, two persons as judges, one as sheriff, and one as clerk; but no person who is a candidate to be voted for at such election shall be appointed as an officer thereof. Officers of town elections provided for by this act shall perform similar services, receive like pay, and be governed in their duties, so far as consistent herewith, and be subject to the same penalties, as officers of State elections under the laws of this Commonwealth.

§ 12. That all the elections by the qualified voters of the town shall be held between the hours of eight o'clock in the forenoon and five o'clock in the afternoon.

Voters. § 13. That all male residents of said town over the age of twenty-one years, who shall, at the time of offering to vote, have resided in said town three months previous thereto, and are qualified voters of this Commonwealth under the laws thereof, and all qualified voters of State resident outside the limits of said town, who are at the time of offering to vote, and for three months previous thereto have been bona fide owners in their own right of real estate situated in said town, shall be entitled to vote at any election held in said town.

§ 14. That all laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting at the town elections in the town of Bardwell, subject, however, to the provisions of this act touching the qualifications of voters.

§ 15. That the board of trustees shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any town officers elective by the people shall be heard and determined by the board of trustees, under such rules and regulations as may be prescribed by the by-laws or ordinances.

§ 16. That the outgoing town clerk shall certify to the Secretary of State the name of the person elected to the office of police judge of said town, and the Governor shall commission said officer.

§ 17. That the poll-books of all elections held in said town shall be returned by the sheriff of election to the clerk of

said town, who shall keep them on file as part of the records of his office, examine and compare the same, and issue certificates of election to the officers elected, which certificate, before being delivered, shall be spread on the record of the board of trustees.

§ 18. That the clerk shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, whose meetings he shall attend, and copies of all papers duly filed in his office. He shall draw warrants upon the treasury directed by the board of trustees, and shall countersign the same, and keep an accurate account thereof in a book provided for the purpose. He shall issue licenses, and do and perform all other acts and duties that the board of trustees may lawfully require of him.

§ 19. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of receipts and expenditures. All money shall be drawn from the treasury, when ordered by the board of trustees, by warrant, which shall be signed by the chairman of said board, and countersigned by the town clerk. Such warrant shall specify the purpose for which the amount named therein is paid. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk; and he shall cause the whole of the above to be published in a newspaper of said town one time, should there be a paper published in said town.

§ 20. That it shall be the duty of the marshal to attend all sessions of the police court, and to give the town attorney notice of any proceeding in said court to which it is his duty to attend. He shall execute and make due return of all process to him directed by the police judge. He shall possess the power and authority of a constable under the laws of this Commonwealth, and his powers for discharging his duties shall be co-extensive with Ballard county in all criminal and penal cases, and in civil cases only within the limits of said town. He shall be entitled as compensation to the same fees allowed by law to sheriffs and constables for similar services, to be collected in the same manner; for other services he shall receive such fees as the board of trustees may prescribe

Marshal—duties.

by ordinance or by-law. He shall collect all executions and other demands placed in his hands for collection, and pay the same over to the person or persons entitled thereto. He shall be liable in the same cases, way, and manner as sheriffs and constables are, and sued and prosecuted in the same manner. He may or may not be appointed collector; but if he is, he shall be required to give, in addition to the marshal's bond, a bond as collector.

Collector.

§ 21. That it shall be the duty of the collector to collect all taxes and assessments which may be levied by the board of trustees, and for that purpose shall have all the powers of a sheriff to make sales of personal estate. He shall pay over to the treasurer all taxes and other money as the board may direct. When the tax-list is placed in his hands he shall proceed at once to collect the same, and to enforce payment, may sell personal, but not real estate; within three months from the time he receives said list, he shall make out and return to the board of trustees a report showing the amount collected, the names of those who have paid, and those who are delinquent, whereupon the board of trustees shall make out a warrant commanding the collector to levy upon and sell so much of the personal property of delinquents as may be necessary to satisfy and pay the taxes due and cost of sale. On receipt of said warrant, the collector shall proceed to make levies as thereby commanded, and after advertising the same by notices posted in said town for at least ten days, shall sell the same at some public place in said town, to be designated in said notices, to the highest bidder, and on receiving the price bid shall give to the purchaser. He shall make to the board of trustees, at such time and in such manner as they may direct, a full and complete return, showing all his acts and proceedings in the execution of said warrant.

Attorney.

§ 22. That it shall be the duty of the attorney to prosecute offenders against the by-laws and ordinances of said town, and to perform all other duties incident to his office, and to give written opinions upon subjects submitted to him by the board of trustees or its committees.

Assessor.

§ 23. That the assessor shall perform all the duties which the board of trustees may, by ordinance or by-law, prescribe in relation to the assessment of property for the purpose of imposing or levying taxes.

§ 24. That the board of trustees shall [have] power [at all times to require further and other duties, and fix the compensation of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to office under this act, whose duties are not specifically mentioned, and fix their compensation.

§ 25. That the police judge, treasurer, collector, marshal, Bonds. and such other officers as the board of trustees may require, shall severally, before they enter on the duties of their respective offices, execute a bond, payable to the board of trustees of Bardwell, in such sum, with such conditions and such sureties as the board of trustees may approve, conditioned that they will faithfully execute the duties of their respective offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money or other thing that may come to their hands as such officers, which bonds, with the approval of the board of trustees certified thereon, shall be carefully preserved by the clerk of said town, and the bond itself shall be spread upon the records of the board of trustees.

§ 26. That the board of trustees of Bardwell, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit on motion against the said officer by whose breach of duty such injury is occasioned, and his sureties or any or all of them, or the personal representatives, heirs, or devisees of any or all of them, as provided by law as to sheriffs and constables, and no such bond shall be void or satisfied until the board of trustees of Bardwell and every person aggrieved by the acts of omissions or neglect of such officers has been recompensed.

§ 27. That if any person, having been an officer in said town, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town or appertaining to the office which he held, he shall forfeit and pay for the use of the town the sum of ten dollars for every day he may refuse or neglect so to do, which may be recovered by warrant before the police judge of said town or any justice of the peace within the district in which said town is situated.

§ 28. That there is hereby established in said town a court, Police court. to be styled the Bardwell police court, which shall be held by

Police judge.

one judge, to be styled the judge of the Bardwell police court, who shall be elected as hereinbefore provided.

Jurisdiction.

§ 29. That the Bardwell police court shall have exclusive jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, and concurrent jurisdiction with other courts of Ballard county of prosecutions for riots, routs, breaches of the peace, and other misdemeanors committed within said county, where the penalty imposed by law does not exceed one hundred dollars fine and fifty days imprisonment. Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before it to appear and answer the same, and the power to declare the same forfeited.

§ 30. That said court shall have power to issue warrants and other process, in the name of the Commonwealth, to compel the attendance of witnesses; to enter judgment and award, and issue writs for the purpose of enforcing its orders and judgments, to the same extent and in as full a manner as other courts of this Commonwealth of like jurisdiction.

§ 31. That said court shall have jurisdiction concurrent with justices of the peace of Ballard county in civil cases within the town of Bardwell; and the police judge shall have power to grant orders of attachment, injunctions, and restraining orders, orders of delivering, writs of *habeas corpus*, distress warrants, and warrants and forcible entry and detainer cases, under the same circumstances and under the same rules and regulations as justices of the peace or judges of courts of like jurisdiction and powers.

§ 32. That the police judge shall be a conservator of the peace, and shall have power to take recognizances to keep the peace; the power of justices of the peace in holding examining courts; to issue subpoenas for witnesses, and to order the marshal to summon juries, and do all other acts and things necessary and proper to carry into full and complete effect the powers and jurisdiction conferred on said judge and said court.

§ 33. That the police court shall be holden at such place as the board of trustees shall designate, or they failing to designate and provide a suitable place, at such place as the judges may select in said town.

§ 34. That said court shall be open at all times for the trial of criminal and penal cases within its jurisdiction; and the



terms for the trial of civil cases shall be held quarterly, at such times as may be fixed by said court by an order duly entered on its order-book.

§ 35. That said court shall be a court of record, and the judge thereof shall act as clerk; and copies of the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth.

§ 36. That said court shall have power to punish contempt by fine or imprisonment, not exceeding five dollars fine and three days imprisonment.

§ 37. That all process from said police court shall be in the name of the Commonwealth of Kentucky, and may be directed to the marshal, sheriff, or any constable, and the person executing the process of said court shall be entitled to the same fees for like services, and to the like remedies for the collection thereof, as the constables of this Commonwealth, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

§ 38. That all fines and forfeitures for breach of town laws recovered in said court are hereby granted to said town, and shall be collected by the marshal or other officers to whom execution or *capias pro fine* is directed, and paid by him to the town treasurer; but before the issual of execution or other final process the defendant may pay the fine or forfeiture to the judge of said court, who shall pay the same to the treasurer.

§ 39. That the defendant shall have the right to replevy for three months any judgment, fine, or forfeiture of the police court, on execution or other final process thereon, by giving bond, with good security, in the same manner as allowed by law in similar cases within the jurisdiction of other courts of this Commonwealth.

§ 40. That a return of not found on a *capias pro fine*, and of no property found on a *feri facias*, issued on any judgment of the police court, shall authorize an equitable proceeding in favor of the trustees of Bardwell against the estate of the defendant or defendants, for the purpose of enforcing satisfaction of said judgment, in the same manner that a return of no property found authorizes such proceedings in civil causes in justices' courts.

§ 41. That upon all judgments for fines rendered by said court, and which shall not be paid, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, commanding the imprisonment of the defendant in the work-house of the town until the same shall be paid, but the imprisonment shall not exceed one day for each two dollars of such fine: *Provided*, That said court, in its discretion, may assign such defendant so fined to hard labor on the streets and alleys of said town, or on some public building in or belonging to said town, or at some other labor, for the benefit of said town, until he shall pay his said fine and the costs adjudged against him, allowing for his labor at the rate of two dollars per day; such defendant shall not be required to labor more than eight hours in any one day; and when not at labor, such defendant shall be confined as provided in this section; and for the purpose of putting him in the work-house, a certified copy of the order assigning him to work shall be sufficient authority to the keeper of the work-house. All persons sentenced to imprisonment by the judgment of said court may be assigned in labor in like manner as those fined. When persons imprisoned as contemplated in this section shall be confined in the work-house, the marshal's fees or keeper of the work-house shall be paid by said town.

Appeals. § 42. That appeals shall be from the decisions and judgments of said police court to the Ballard circuit court in all criminal and penal cases when the fine exceeds ten dollars or the imprisonment exceeds ten days; but no judgment shall be suspended by such appeal, unless the defendant, within the time required by law in other penal cases, after the rendition thereof, causes to be executed before the clerk of the court to which the appeal is taken a covenant, with good security in all respects, as required by section — of the Criminal Code of Practice; or appeals shall lie in the circuit court the same as appeals from judgments of justices of the peace to said courts.

Fees. § 43. That the fees of the police judge, whether acting as judge or clerk or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services, and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and

under the same regulations as in other courts having similar jurisdiction.

*General Powers and Duties of the Board of Trustees.*

§ 44. That the board of trustees shall hold stated meetings, and the chairman, or in his absence the town clerk, may call meetings by notice, oral or written, to each of the members. A majority of the members elected as trustees shall constitute a quorum.

§ 45. That the board of trustees shall have power to make, ordain, and publish all such ordinances, by-laws, police and sanitary regulations, not contrary to the Constitution of this Commonwealth, for the good government of said town, and to promote the health, security, trade, and commerce thereof, and that may be necessary or expedient to carry into effect the powers vested in the board of trustees, or any officer of said town, by this act, and to amend or repeal the same, and to enforce the observance of all ordinances, by-laws, and regulations made in pursuance of this act by penalties, not to exceed thirty dollars fine and ten days imprisonment for any offense against the same.

§ 46. That the board of trustees shall have the management and control of the finances, and all the property, real, personal, and mixed, belonging to the corporation, and shall have power to provide for the erection, repair, maintenance, and government of all public buildings for the town, and to provide for inclosing and improving all public grounds belonging to the town; and within the jurisdiction of said town shall have power by ordinance or by-law—

*First.* To prohibit all descriptions of gaming, fraudulent devices, playing at cards, dice, or other games of chance, whereat anything of value is won or lost.

*Second.* To license, tax, regulate, or prohibit billiard tables, pigeon-hole, jenny lind, and similar tables, pin alleys, nine-pin alleys, ten-pin alleys, ball alleys, and shooting galleries.

*Third.* To license, tax, regulate, or prohibit all concerts, exhibitions, shows, circuses, caravans, theatrical performances, and all other exhibitions and amusements.

*Fourth.* To prevent and suppress tumults, riots, routs, and breaches of the peace, noises, disturbances or disorderly assemblages.

*Fifth.* To restrain or suppress disorderly houses, groceries, saloons, halls, and houses of ill-fame.

*Sixth.* To restrain, suppress, and punish indecent, obscene, or profane language, conduct, or exhibitions, and restrain and punish vagrants and prostitutes.

*Seventh.* To prohibit the running at large of dogs, and to authorize the destruction of the same when found at large contrary to by-law or ordinance, and to impose penalties on the owners thereof for permitting them to run at large.

*Eighth.* To appoint watchmen or policemen, and prescribe their duties, powers, and pay.

*Ninth.* To establish and maintain a work-house, and make rules and regulations for the government thereof, and appoint officers for the conduct and management of the same.

*Tenth.* To authorize the clerk to grant and issue license, and direct the time and manner of issuing and registering thereof, and the fees to be paid therefor; but no license shall be granted for more than one year, and the fee for issuing the same shall not exceed fifty cents.

*Eleventh.* To license, tax, and regulate auction sales, peddlers, studs, bulls, and jacks; to declare what are nuisances, and provide for the abatement of the same, and impose penalties for the creation and maintenance of the same.

*Twelfth.* To license, tax, and regulate within said town and within one mile thereof innkeepers, hotel or tavern-keepers, saloon or coffee-house keepers, grocers, merchants, druggists, and keepers of other places for selling spirituous, vinous, or malt liquors, and to restrain all such persons from selling without license.

*Thirteenth.* That the board of trustees of Bardwell shall have exclusive power to grant all license for which provision is made by this act; but such license shall not excuse the person obtaining it from paying to the State any tax, and procuring from the county court or clerk any license now required by law. That the amount to be paid for license to sell spirituous, vinous, or malt liquors in any hotel, inn, tavern, coffee-house or saloon, by the drink, for the period of one year, shall not be less than one hundred dollars nor more than three hundred dollars, and the amount to be paid for any other license authorized by this act shall be fixed by the board of trustees. Before any person shall have the right to sell spirituous, vinous, or malt liquors within said town, or

within one mile thereof, he shall present to the treasurer of said town a certified copy of the order of the board of trustees granting him license, and lodge the same with him, and pay him the amount charged therefor as fixed by ordinance or by-law. If any shall sell spirituous, vinous, or malt liquors within said limits without first having complied with the foregoing provisions of this section, he shall be deemed guilty of retailing without license or keeping a tippling-house as the case may be, and shall be subject to fine as provided in the by-laws and ordinances of said town for the commission of said offenses.

*Fourteenth.* To provide for the security of said town against fire by the purchase of fire-engines and other fire apparatus, and the organization of one or more fire companies, appoint officers, and make rules and regulations for the government thereof, and do all other things and acts necessary for the maintenance of an effective fire department.

*Fifteenth.* To acquire by donation or purchase, and receive conveyances for ground, either within or without the limits of said town, for a cemetery not exceeding ten acres.

*Sixteenth.* To make and receive all conveyances relating to said town, to take, receive, and hold any estate, real, personal, or mixed, for the use, benefit, or ornament of said town, by purchase, devise, or bequest.

§ 47. That said board of trustees shall have power, subject Taxes. to the exceptions hereinafter mentioned, to annually levy and collect taxes not exceeding twenty-five cents on each one hundred dollars' worth of all the property in said town, including everything subject to taxation by the State for revenue purposes, and a head or poll-tax upon every male inhabitant of said town over the age of twenty-one years of not exceeding one dollar, and a tax not exceeding fifty cents on each dog that any person may keep or suffer to be kept on his or her premises.

§ 48. That there shall be exempt from taxation under this Exemption. act all public property belonging to said town, the county of Ballard, the State of Kentucky, the United States, any church, college, school, or seminary, and all ground attached to and dedicated to the use of any such church, college, school, or seminary, and cemetery any belonging to said town, and household and kitchen furniture belonging to a bona fide

housekeeper with a family, not exceeding two hundred in in value.

§ 49. That all taxes and assessments levied or assessed by the board of trustees under this act shall be a lien upon personal estate, upon which the same may be imposed, voted, or assessed until the same is paid.

§ 50. That all fines and forfeitures, taxes and assessments, herein contemplated and provided for, shall be appropriated exclusively to the use and benefit of said town, in such manner as the board of trustees may direct.

§ 51. That the clerk shall keep a record of all sales for taxes and assessments, which will be open for inspection at all times.

§ 52. That the board of trustees shall have authority and control over the streets, sidewalks, alleys, public squares, and grounds in said town, or which may be opened or laid out hereafter, with full power to grade, pave, construct, repair, protect, and ornament the same as they may deem most convenient and beneficial to said town; and by unanimous vote may close any alley in said town.

Streets, alleys,  
public grounds,  
&c.

§ 53. That the owners in front of or upon whose premises the board of trustees shall order and direct curbing or sidewalks to be constructed, repaired, or relaid, shall make repair or relay such curbing or sidewalks at their own costs and expense, and in the same manner, with the material, and within the time prescribed by said board of trustees by ordinance or order duly entered in their records; and if not done in the manner, with the material, and within the time prescribed, the board of trustees may cause the same to be constructed, repaired, or relaid, and assess the expense thereof, and collect the same by warrant, as in the case of taxes. A suit may also be maintained by the board of trustees against such owner or owners for the expense of said improvements: *Provided*, That no person shall be required to make a sidewalk in front of his or her premises until the street in front of such premises has been graded at the expense of said town.

§ 54. That it shall be the duty of the board of trustees, at all times when the revenue will admit of it, to keep the streets, alleys, lanes, public squares, and places in good order and condition; and for every failure to do so, as well as for every other willful failure to efficiently exercise the powers

herein granted and conferred upon them to promote the good order, health, safety, and prosperity of said town and its inhabitants, they shall for each offense, upon indictment and conviction in the Ballard circuit court, forfeit and pay for the use of said town not less than twenty nor more than forty dollars, and such fine shall be paid by the members out of their individual estates, share and share alike.

§ 55. That the property and citizens of said town shall be exempt from the operation of all road laws now or hereafter in force in Ballard county. General powers.

§ 56. That all ordinances, regulations, and by-laws now in force in said town, and not inconsistent with this act, shall remain in full force until altered or repealed by the board of trustees after this act takes effect, and the officers of said town now in office shall remain and continue in the same for and during the terms for which they were respectively appointed or elected, as the case may be, but shall be governed by this act.

§ 57. That this act shall not affect or invalidate any act done by the board of trustees or any of the officers of said town, nor divest their successors of rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

§ 58. That all acts and parts of acts in relation to the town of Bardwell inconsistent herewith are hereby repealed.

§ 59. This act to take effect and be in force from its passage.

Approved March 10, 1882.

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## CHAPTER 410.

AN ACT for the benefit of Harrison Ray, assessor of Garrard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Harrison Ray, assessor of Garrard county, be, and he is hereby, allowed the further time of thirty days from and after the first day of May, 1882, to return his assessor's books.

§ 2. This act to take effect from its passage.

Approved March 10, 1882.

## CHAPTER 411.

AN ACT to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved March 3d, 1870, and to regulate the compensation of the clerk and marshal of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the clerk of city court of Louisville shall be entitled to the same fees as are now allowed by law to the clerk of the Jefferson circuit court for similar services, not exceeding one dollar and twenty-five cents in each suit or proceeding in said court, to be charged to and paid by the party for whom the services are rendered. He shall furnish his own deputies and all books and stationery for his office at his own expense.

§ 2. The marshal of the city court of Louisville shall be entitled to fees for his services at the rate of fees allowed to the sheriff of Jefferson county for several services, not exceeding one dollar and twenty-five cents in each suit or proceeding in said court, to be charged to and paid by the party for whom the services are rendered. He shall furnish and pay his own deputies.

§ 3. All laws or parts of laws heretofore enacted regulating or relating to the compensation of said officers are hereby repealed.

§ 4. This act to take effect from its passage.

Approved March 10, 1882.

## CHAPTER 412.

AN ACT to incorporate the Morgan Station and Blanket Creek Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That J. M. Ewing, David Townsend, Geo. F. Henry, S. J. Ewing, James Autick, and Jas. W. Chowning, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Morgan Station and Blanket Creek Turnpike Road Company, and by said name and style shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts and places in the Commonwealth of Kentucky.

Incorporators.

Style.



§ 2. Said company is hereby [authorized] and empowered <sup>Purposes.</sup> to construct a turnpike, macadamized or gravel road, in its discretion, from or near Morgan Station to or near Blanket creek, at or near Jarvis' store, in Pendleton county, to be located on the most practicable route between said points; and in order to raise funds necessary to construct said road by subscription of stock, divided in shares of twenty-five dollars each, books of subscription of stock in said road may be opened by J. M. Ewing, Geo. F. Henry, and Jas. W. Chowning, or either of them, for the purpose of obtaining the capital stock of said company. When two thousand dollars or more shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named in this section to open books for said subscription to give notice for a meeting of the stockholders, at such time and place as the commissioners may designate in said notices, for the purpose of electing five directors, one of whom shall be elected by the directors as president, and one secretary, and one as treasurer. In the election of directors one vote shall be allowed for each share of stock. The directors, president, secretary, and treasurer shall hold office for one year, or until their successors are elected and qualified. The time and place of election shall be fixed by the directors, after the first election. A majority of the board shall be competent to transact the business.

§ 3. When said company is organized by the election of directors and officers as above provided, they shall be a body-politic and corporate, by the name and style above stated, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and taking and holding lands, tenements, and personal property, by purchase or gift, as may necessary for the prosecution of its work or the objects of this corporation.

§ 4. The president of said company may call meetings of the board of directors whenever he may think proper, or upon the application of two directors. Said board of directors shall require of the treasurer a bond for the faithful performance of his duty as treasurer of said company, including the covenant that said treasurer will account for and pay over to the proper persons all moneys that may come into his hands as treasurer. Said board must keep a record.

By-laws.

of their proceedings, signed by the president and secretary. Said board shall have power and authority to make by-laws and regulations for the government of said company; sue for and recover, in the name of said company, from any delinquent stockholder, the amount due and unpaid upon any share or shares of stock.

§ 5. The president and directors shall fix and regulate the elevation and grade of said road, the width and part thereof to be covered with stone or gravel; and may fix the rate of toll, may change and alter the same at pleasure; but said rate shall not exceed the rates prescribed by chapter 110 of the General Statutes; and when one mile or more of said road shall have been completed and received by said board of directors, a toll-gate may be erected by and tolls collected, under such rules and regulations as shall be prescribed by said board of directors under the general laws of this State.

§ 6. The said president and directors of said company and its agents shall have the right to acquire, by purchase or gift, parcels of land, not exceeding one acre each, adjacent to the road, for the purpose of erecting thereon toll-houses; also the right of way for said road. When the said land for toll-houses and the right of way cannot be acquired by agreement, then the company may have the same condemned, under a writ of *ad quod damnum*, on application to the county judge of said county, by filing a petition describing the land; said judge may thereupon order said writ to be issued, directed to the sheriff of said county, ordering him to summon (12) twelve discreet impartial freeholders of his county to meet on or near the land to ascertain the amount of damages each owner will severally sustain, if it be condemned for the use of the road. The sheriff must give at least five days' written notice to such owner before empaneling the jury, and proceed as prescribed in subsection two of section fourteen, chapter one hundred and ten, of the General Statutes; if the jury cannot agree, he may discharge it and summon another or other juries.

§ 7. The jury shall allow a fair cash value for the land taken, and also a fair compensation for any incidental or collateral damages, which if the land or the construction of the road will produce to other land of the owner, but from such incidental or collateral damages shall be deducted the amount

the value of the benefit which such other will derive from the making of the road.

§ 8. Either party may appeal from the verdict of the jury to the circuit court and from the circuit to the Court of Appeals, as prescribed in the Code of Practice regulating appeals to said courts; the party failing to increase or diminish the verdict, as his interest may require, shall pay the cost of the appeal. The company must pay the cost of the inquest. The appeal shall not stay the verdict of the jury further than the collection of the cost: *Provided*, The company pays to the defendant, or deposit in court for him, the amount found by the jury.

§ 9. Certificates of stock in said company shall be signed by the president, and countersigned by the secretary, shall be deemed personal property, and transferable on the books of said company, in such manner as the board of directors shall prescribe.

§ 10. The capital stock of said company used in the procurement of the right of way, material, and in the construction of said road, and defraying all legitimate expenses in constructing said road, and for no other purpose. Stockholders in said company shall only be bound to the extent of their stock in said company.

§ 11. This act shall take effect from and after its passage.

Approved March 10, 1882.

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#### CHAPTER 413.

AN ACT to authorize the county attorney of Boone county to institute suits to recover fees and claims allowed for *ex officio* services.

WHEREAS, It is represented that for a number of years past the Boone county court of claims has been in the habit of allowing, through a mistake of law, officers of said county fees for *ex officio* services, and allowing other claims and fees not due against the county, and of causing the same to be paid out of the county levy of said county, and the court of claims of said county have directed the county attorney to sue for and recover the said claims so allowed since the third day of March, 1877; and whereas, there are doubts as to what

course said attorney can or ought to pursue in bringing and prosecuting said suits; for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county attorney of Boone county is authorized and directed to institute and prosecute, in the name of the county of Boone, suits for the recovery of all claims and sums of money allowed by the court of claims of said county, and paid out of the county levy of said county, on fees or claims for *ex officio* services rendered by said officers of said county, or persons acting as such officers, and also against any such officer or person who may have received out of said county levy any claim or fee for services not legally a charge against the county; such suits shall be against any such officers or persons, and shall be for the recovery of such claims as before stated; and the judgment, if for the county, shall be for whatever sum the defendant in such action has so received on any such fee or claim.

§ 2. All such actions shall be brought in the Boone circuit court, and said court shall have jurisdiction thereof, and judgment for costs shall be as in other civil actions, and shall be paid out of the county levy if not collected from the defendant.

§ 3. All judgments recovered under this act may be replevied as in other civil cases, and may be appealed to the Court of Appeals by either party as in other civil cases, without regard to the amount involved; and all moneys collected by virtue of this act in favor of the county shall, after paying the costs against the county, be held by the sheriff on his official responsibility as the county levy is held, and he shall account for the same in his annual settlement for the county levy. No suit shall be brought for the recovery of any such claim allowed by said court of claims before March 3d, 1877.

§ 4. Any person liable to suit under this act shall, by paying the amount with which he is charged before such suit is brought, be exempt from the provisions of this act.

§ 5. This act shall take effect from its passage.

Approved March 10, 1882.

## CHAPTER 414.

AN ACT to repeal the act of March 31st, 1880, entitled "An act to amend the charter of the Paducah and Lovelaceville Turnpike or Gravel Road Company, and to re-enact part of the charter of Bowling Green and Scottsville Turnpike Road Company as a part of the charter of the Paducah and Lovelaceville Turnpike or Gravel Road Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to amend the charter of the Paducah and Lovelaceville Turnpike or Gravel Road Company," approved March 31st, 1880, be, and the same is hereby, repealed.

§ 2. That the charter of the Bowling Green and Scottsville Turnpike Company, which by the act of incorporation of the Paducah and Lovelaceville Turnpike or Gravel Road Company was made part of said charter, be, and the same is hereby, re-enacted as a part of said charter of the Paducah and Lovelaceville Turnpike or Gravel Road Company.

§ 3. This act shall take effect from its passage.

Approved March 10, 1882.

## CHAPTER 415.

AN ACT to authorize the court of claims of Grant county to levy a tax for bridge purposes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That for the purpose of erecting a bridge across Eagle creek at or near Downingsville, in Grant county, the county court of said county, composed of the judge thereof and majority of the justices of the peace, be, and they are hereby, authorized and empowered to levy, on property listed for taxation for revenue purposes, an ad valorem tax of not exceeding twenty-five cents on each one hundred dollars, and of not exceeding one dollar on each poll, for each year said tax is levied; and said court is authorized to levy said tax from year to year, until a sufficient amount is raised to pay for the building of said bridge.

§ 2. It shall be the duty of the sheriff of said county to collect and pay over the tax levied under this act under the orders of said court; and he and his sureties on his bond for

the collection of the county levy shall be liable for his failure to perform his duties under this act.

§ 3. This act to take effect from its passage.

Approved March 10, 1882.

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#### CHAPTER 416.

AN ACT for the benefit of road district No. 1, in Henderson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all persons living on what is known as Green River Island, in that part of district No. 1, in Henderson county, be, and are hereby, exempt from any further payment of all road tax in said county of Henderson.

§ 2. That all laws and parts of laws in conflict with said act be, and are hereby, repealed.

§ 3. This act to take effect from and after its passage.

Approved March 10, 1882.

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#### CHAPTER 418.

AN ACT to create a voting and justice of the peace district at Central City, in Muhlenburg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the following territory in Muhlenburg county shall hereafter comprise a justice of the peace district and voting precinct No. 7, in said county, and shall be bounded as follows: commencing at Green river, at the old ferry landing at Lewisburg; thence running with the old road out to Lewis Rend's old place; thence with the old road as it runs to Island ford to the intersection of the road from South Carrollton to Bethel Church; thence the Bethel Church road to the church, and from the said church in a straight line to Lewis Colman's; thence to Dolly Jagoe's; thence to W. F. Duke's and Pond creek, and down Pond creek to the mouth of same on Green river, and down Green river to the beginning; and all the above named persons are included as voters in said precinct; and the voting place in said precinct

No. 7 shall be in the town of Central City within said precinct.

§ 2. This act shall take effect from the date of its passage.

Approved March 10, 1882.

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CHAPTER 419.

AN ACT to release the estate of Rebecca Carder, deceased, from a claim due the Central Kentucky Lunatic Asylum.

WHEREAS, Rebecca Carder, deceased, late of Boone county, was at her death indebted to the Central Kentucky Lunatic Asylum in the sum of \$109.70, for support at said asylum while in a condition of lunacy; and whereas, said Rebecca Carder, at her death, owned no estate except one lot in the town of Taylorsport, in said county, with a small house of but little value thereon; and whereas, said Rebecca Carder, by her will, gave said property to her widowed daughter, Mrs. Myra Berry, and her two small children; and whereas, it is represented that said Mrs. Berry and her children will be rendered destitute and penniless, and will be wholly unable to support themselves, and will become a charge upon the public if said property is taken from them; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the estate of the said Rebecca Carder be, and is hereby, released from the payment of said claim referred to in the preamble hereto.

§ 2. This act shall take effect from its passage.

Approved March 10, 1882.

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CHAPTER 420.

AN ACT to declare the Burning Fork of the Licking river a navigable stream.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Burning Fork of the Licking river, in Magoffin county, be, and the same is hereby, declared a navigable stream as far up said Burning Fork as Elijah Patrick, and as far up the Rock House Fork of the said Burning Fork to the mouth of the Bear Tree Branch.

§ 2. That this act shall take effect from its passage.

Approved March 10, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 421.

AN ACT to change a defined portion of the boundary line between the counties of Boyle and Garrard.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county lines between the counties of Boyle and Garrard be, and they are hereby, so changed as to include within the county of Garrard the following described boundary now being in the county of Boyle: Beginning at a stone corner near the Dix River and Lancaster Turnpike Road, between the lands of the late S. W. Miller and S. O. Baughman; thence to a small blazed black locust, near the edge of a sink; thence eastward to a large blazed black oak on the edge of the cliff; thence due east towards Dix river until it strikes the line between James Henning and S. O. Baughman; thence down the river line between said counties to the abutments of the iron bridge across said river; thence a westward course with the pike to the beginning.

§ 2. This act to take effect from and after its passage.

Approved March 10, 1882.

## CHAPTER 422.

AN ACT authorizing the financial board of Allen county to sell or subscribe as stock the road-bed of the Cumberland and Ohio Railroad, lying in Allen county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the financial board of Allen county be, and they are hereby, authorized and empowered to dispose of, to the best interest of the county, that part of the road-bed and franchises thereto belonging, of the Cumberland and Ohio Railroad, lying in Allen county, either by sale, or may subscribe it as stock in any railroad company that will obligate itself to finish the same, said obligation to be in the name of Allen county; and said financial board shall have power to enforce the stipulations of the obligation in any court of jurisdiction as contracts are enforced by the laws of this Commonwealth.

§ 2. The proceeds of any sale, or the dividends arising from any stock authorized to be subscribed by the provisions of



the first section of this act, shall be paid to the treasurer of Allen county, and shall be kept by him, and paid out for the same purpose, and in all respects shall become a part of and used only as the funds are directed to be used by the provisions of an act, entitled "An act to authorize and empower Allen county to compromise its bonded indebtedness, and issue bonds, and levy and collect taxes to pay the same," approved February 1, 1880, and an amendment thereto, approved March, 1880.

§ 3. That all acts or parts of acts in conflict herewith are hereby repealed.

§ 4. This act to take effect from and after its passage.

Approved March 10, 1882.

#### CHAPTER 423.

AN ACT to amend an act, entitled "An act to amend an act to incorporate the town of Smith's Grove."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in one principal officer to be styled the chairman of the board of trustees, and six trustees, who shall be elected on the first Saturday of April in each year in the manner hereinafter prescribed, and shall hold their office until their successors have been duly qualified. Officers.

§ 2. That on the first Saturday in April in each year there shall be an election, held by two judges and a clerk appointed by the board of trustees, for the election of a chairman and six trustees, at which election all male persons over the age of twenty-one years, who shall have bona fide residence in said town for thirty days and of the State for one year next preceding such an election, or shall, at the time be owner in his own name and right of any real estate in said town, shall be entitled to vote. Election.

§ 3. That any male person over the age of twenty-one years, who is a bona fide resident of said town, and has been for thirty days next preceding any election at which he may offer to vote, shall be entitled to vote in all elections in said town, and shall be eligible to hold any office of said town: Voter.

*Provided*, He is otherwise eligible under the statute laws of this Commonwealth to hold office or vote.

Meetings.

§ 4. That the regular meetings of said board of trustees shall be on the third Saturday in each month; but any business done or transacted at a called meeting shall have the same force and effect as if done at the regular meeting: *Provided*, That at either a regular or called meeting it shall require the chairman and three trustees to constitute a quorum to transact business, and in case of the absence of the chairman, four trustees may do business after selecting one of their number chairman *pro tem*.

§ 5. That section twelve (12) of the act to which this is an amendment, be amended so as to authorize the board of trustees, in addition to the mode of improvement therein provided for, to cause any of the sidewalks of said town to be laid with plank boards or timbers, when to them it may seem proper to do so, under the same restrictions and to be paid for in the same manner as now provided for in said section when laid with brick and stone, &c.

§ 6. That the board of trustees shall have power to suppress all tippling and gambling-houses of whatsoever character or pretense, and fine persons who may violate these by-laws and ordinances in any sum not exceeding fifty dollars for each offense, except in cases of disturbing religious worship, riots, breaches of the peace, and tippling-houses, when the parties found guilty may be fined in any sum not exceeding one hundred dollars, or imprisoned not exceeding thirty days, or both so fined and imprisoned.

License.

§ 7. They shall have the right to tax and the right to license all coffee-houses, retailers of spirituous, vinous, or malt liquors, victualers, confectioneries, restaurants, druggist, merchants, and all other trades, business, or vocations now authorized and provided for in the act to which this is an amendment, and fix the tax thereon in such sums as may, from time to time, appear to them just and right, and may discontinue any of said license at pleasure: *Provided*, That before the trustees of said town shall grant license to any person to sell spirituous, vinous, or malt liquors, the person who applies for license shall produce to said trustees the receipt of the county clerk of Warren county showing that said persons has paid the tax now required to be paid to the State by persons engaged in similar business.

Proviso.

§ 8. That the right, under what is known and denominated the local option law, to exclude from the incorporation the sale of spirituous, vinous, or malt liquors by a vote of the legal voters, as prescribed in said law, shall be confined to the citizen voters within said corporate limits, and those holding title to real estate in said town, and none but legal voters living within said corporate limits or holding title to real estate lying therein, shall be entitled to vote at any election upon the question of local option in or affecting the rights and privileges of said town.

§ 9. That said town may have a station-house in which persons may be confined for fines, contempt, drunkenness, disorderly conduct, for safe-keeping, while awaiting trial in default of bail, and for such other causes and offenses as authorized by law for the confinement of persons, in jails and station-houses; and said town or its officials may, at their option, use the jail of Warren county as now provided in the act to which this is an amendment, or may use the station-house of said town.

§ 10. That the board of trustees for said town may, by ordinance, regulate the speed at which railroad engineers and trains may be run through said town, and may fix suitable penalties for the violation of the provisions of such ordinance, and enforce the same.

§ 11. That the police judge of said town shall have jurisdiction of all cases of motions and suits against the marshal treasurer, or other officer of said town, for all sums of money or other thing which may be due from them, or any of them. He shall have power to take depositions, keep his own records, and shall be subject to the same penalties imposed on justices of the peace for violations of duty. He shall keep a docket of causes in the order in which they are tried, showing the various steps taken therein, the judgment issued, and the return of execution, and shall safely keep all papers in every case tried by him, and make and keep a complete index to his records and execution books.

Police judge—  
jurisdiction.

§ 12. That this act shall not be construed to repeal any portion of the act to which this is an amendment, except such parts as comes in conflict with this act, but all parts of said act to which this is an amendment conflicting herewith are hereby repealed.

§ 13. That this act shall be in full force and effect from and after its passage.

Approved March 10, 1882.

## CHAPTER 424.

- AN ACT to amend the charter of the Newport Street Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1 If said Newport Street Railway Company shall, willfully or negligently, suffer or permit said street railway, or any of its branches, or any part of either, to become and remain unfit for public travel for the space of three consecutive days, either in the character or condition of its roadway, rails, ties, or equipments of any kind, or shall willfully fail or refuse to run or operate its said line of road, or any of its branches, or any part of either for a like time, or shall fail or refuse to so operate and maintain said railway, or any of its branches, as to accommodate the public travel, said company shall be subjected to a fine in any amount not exceeding five hundred dollars, to be recovered by indictment in the name of the Commonwealth, of Kentucky, in the Campbell criminal court.

§ 2. This act shall take effect from and after its passage.

Approved March 10, 1882.

## CHAPTER 425.

- AN ACT to amend the charter of the town of Lawrenceburg, Anderson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the town of Lawrenceburg, Kentucky, be so amended that articles 1, 2, 3, 4, and 6 of chapter 784 of an act of the General Assembly of Kentucky, passed in 1880, be made a part of said charter.

§ 2. When any one is ordered to be worked under said sections, he shall be under the control of the marshal of the town of Lawrenceburg, and while at labor shall be securely fastened to a chain and ball of not less than fifty pounds in weight.

§ 3. When any person so ordered to be worked shall refuse to do so, he shall be deemed guilty of a misdemeanor for each day he refuses to work, and, upon conviction, shall be fined in a sum of not less than five nor more than fifty dol-

lars, to be worked as prescribed in the first article of this amendment; and the marshal is authorized to keep such offender on short allowance as to diet until he shall do the work assigned.

§ 4. This act shall take effect from its passage.

Approved March 10, 1882.

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#### CHAPTER 426.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in four miles of Union College, Knox county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That from and after the passage of this act it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, either directly or indirectly, in any quantities less than half a barrel, within four miles of Union College, located in the town of Barbourville, Kentucky.

§ 2. Any person violating the provisions of this act shall be fined one hundred dollars for each offense.

§ 3. The police court of the town of Barbourville, the county judge of Knox county, and any magistrate living within four miles of Union College, shall have concurrent jurisdiction with the circuit court in the enforcement of this act.

§ 4. That all laws authorizing the county court to issue license within said boundary, and all laws authorizing the trustees of Barbourville to issue license to sell spirituous liquors, and all laws in conflict with the provisions of this act, are hereby repealed.

§ 5. This act shall take effect from its passage, but shall not be held to interfere with any license already granted by the county court or trustees of said town during the time for which they were granted.

Approved March 10, 1882.

## CHAPTER 427.

AN ACT to divide common school district No. 1, in Trigg county, and to form same into two separate districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That common school district No. 1, in Trigg county, be divided into two districts, and that the portion of said district included in the following boundary shall form and constitute one district, with all the privileges and powers conferred by the General Statutes upon a common school district: Beginning at the residence of James Wood, in said county; thence to Asa Guthrie's; thence to Robert S. Goodwin's; thence to Horse creek bridge, on the Hopkinsville road; thence to F. M. Ladd's; thence to J. G. Nance's; thence to Jo. F. Smith's; thence to Mrs. Mary Ann Goodwin's; thence to Mrs. Martha Goodwin's; thence to James Wood's, the beginning, said district to be known and designated as Cerulean Spring district, No. 2, and to include therein one half the number of white children of pupil age in the original district of which this is part.

§ 2. That common school district No. 1 shall remain as originally formed, with the exception of the portion included in the first section of this act.

§ 3. This act shall take effect from and after its passage.

Approved March 10, 1882.

## CHAPTER 428.

AN ACT to amend the charter of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section 29 of an act, entitled "An act establishing a new charter for the city of Louisville," be amended to read as follows: There shall be a principal engineer for said city, who shall have power to appoint as many assistants and other employes as may be authorized by ordinance for the efficient management and conduct of this department. He shall be elected by the general council by *viva voce* vote, in joint session every four years, and shall hold his office until his successor has qualified. The next election shall take

place in November, 1885, and in the month of November every four years thereafter.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 10, 1882.

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CHAPTER 429.

AN ACT to amend an act, entitled "An act to incorporate the Louisville, Harrodsburg and Virginia Railroad," approved March 9th, 1868.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. B. Hoke, W. H. Frederick, S. T. Beard, E. F. Madden, E. F. Trabue, Zoder Poignard, and Beriah Magoffin are hereby declared directors in the Louisville, Harrodsburg and Virginia Railroad until the annual election in May, 1882, as provided in the sixth section of the charter, and until their successors are elected and qualified.

§ 2. That said corporation may, upon the vote of a majority of its stockholders, change its name, recording the same in each of the counties through which said company's railway shall pass.

§ 3. Said company may issue its first mortgage bonds in any amount not exceeding \$3,000,000, and may run its line upon any route from Louisville to the Virginia line between Lawrence and Harlan counties.

§ 4. This act to take effect from its passage.

Approved March 11, 1882.

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CHAPTER 430.

AN ACT to legalize certain orders and acts of the Hardin county court.

WHEREAS, It appears that the Hardin county court, consisting of the county judge and a majority of the justices of the peace of said county, has at each annual term thereof from the year 1871 to 1881, inclusive, levied and ordered to be collected an ad valorem tax upon the taxable property in said county, and that doubt exists as to their legal right to have done so; in order to remove said doubt,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the various orders of the Hardin county court (sitting as a court of claims for said county), at their several annual sessions from 1871 to 1881, inclusive, levying and ordering the collection of an ad valorem tax upon the taxable property of said county for county purposes, be, and they are hereby, legalized and declared to have been legal, valid, and binding from the time each of said orders was made, as if then fully authorized by law.

§ 2. This act to be in force from its passage.

Approved March 13, 1882.

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#### CHAPTER 431.

AN ACT for the benefit of Charles Talbott, late sheriff of Bourbon county.

WHEREAS, It appears that in the several settlements of Charles Talbott, late sheriff of Bourbon county, with the Auditor of Public Accounts, the said Talbott accounted for and paid to the State of Kentucky certain moneys which were not properly and justly chargeable to him, and which were not in fact due from him to the State; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to re-open and re-state the accounts of Charles Talbott, late sheriff of Bourbon county, for the years 1877, 1878, 1879, and 1880, and he will allow him such credits as may be justly due to him, and readjust the accounts accordingly, and will draw his warrant on the Treasury in favor of said Talbott for such sum as may be found due him on said settlement, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall not be construed to be an admission that there is any sum whatever due said Talbott, and shall take effect and be in force from its passage.

Approved March 13, 1882.



## CHAPTER 432.

AN ACT to amend an act, entitled "An act to incorporate the Third Avenue Methodist Episcopal Church, South, of Louisville."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

That an act, entitled "An act to incorporate the Third Avenue Methodist Episcopal Church, South, of Louisville," be, and the same is hereby, amended as follows, to-wit :

§ 1. That the first section of said act be amended by adding the names of James G. Carter, Presley H. Tapp, John L. Wheat, Charles H. Mantle, George Gaulbert, John G. Walker, Presley Maguire, and Henry J. Lewis to the corporators; also that the word "Third," in the name of said corporation, be hereby stricken out, and the word "Fourth" be inserted in lieu thereof.

§ 2. That the third section of said act be, and the same is hereby, amended so as to read as follows, viz: "3. Said corporators shall constitute the first board of trustees of said corporation, with power to fill any vacancies therein (until the quarterly conference of said charge is regularly organized) from among the male members of the Methodist Episcopal Church, South, of the age of twenty-one years and upwards; and said trustees shall select its own president, secretary, and treasurer. The number of trustees may at any time be reduced by the quarterly conference."

§ 3. This act to take effect and be in force from and after its passage.

Approved March 13, 1882.

## CHAPTER 433.

AN ACT to amend the charter of the town of North Middletown, in Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the town of North Middletown, in Bourbon county, be, and the same is hereby, amended as follows: A quorum of the board of trustees of said town shall appoint the officers of the election for said trustees, at least one day before the day of said election.

§ 2. Said board of trustees, or a quorum thereof, shall cause to be posted in two or more public places in said town the time, hours, and place of election for said trustees, at least three days before the said election.

§ 3. The officers of said election shall be two judges, a sheriff, and a clerk, having all the qualifications of a voter at said election, and shall receive for their services a per diem such as said trustees may, by vote, determine, to be paid out of the town treasury.

§ 4. Said trustees shall have power to cause and procure all the streets and alleys in said town as now established to be graded and turnpiked at the expense and cost of said town, to be paid for out of its general treasury fund.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 13, 1882.

#### CHAPTER 434.

AN ACT to incorporate the Louisville Pork Packing and Provision Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Jno. G. Barrett, Wm. R. Ray, S. S. Hamilton, Jno. A. Lee, James Todd, Thos. H. Sherley, Jno. D. Taggart, B. F. Guthrie, Geo. Birch, and Jno. E. Norris, their associates, successors, and assigns, be, and they are hereby, created a body-corporate, under the name of the Louisville Pork Packing and Provision Company; and said company, in its corporate name, may contract and be contracted with, sue and be sued, have and use a corporate seal, and change the same at pleasure, and have all the powers incident and usual to corporations.

§ 2. The purpose and business of said corporation is the building and equipment of one or more pork packing establishments and provision depots in the city of Louisville or elsewhere, within or out of the State of Kentucky, for the buying, packing, and slaughtering of hogs and selling same or product thereof, and also the buying and selling of pork, bacon, lard, or other articles of provision or merchandise, and for the establishment and operation of the affairs and business

of the company. Said company shall have power to acquire and hold such real estate by lease, fee-simple, or otherwise, as it may deem necessary or expedient for the transacting of its business, and may erect all needful packing and slaughter-houses, curing-rooms, ware-rooms, or other buildings, with all necessary machinery, fixtures, appliances, and appurtenances therein or thereon that may be required and proper for the successful carrying on and conducting the business of the company.

§ 3. The capital stock of said company shall not exceed Capital stock. one million of dollars, but may be fixed at any sum not less than two hundred thousand dollars; and said capital stock shall be divided into shares of one hundred dollars each, which capital stock is declared to be personal property and subject to the laws governing personal property. The persons named in this act, or a majority thereof, shall constitute the first board of directors; they or a majority of them shall have power to open books for subscription to the capital stock of said company, prescribe the terms of subscription, and the time and manner of payment. Said company may adopt such by-laws for the regulation, management, and government of its affairs and business as the board of directors may deem expedient, and shall have power to alter, amend, or change said by-laws at pleasure: *Provided*, That before the corporators shall commence business under this act, there shall be paid to the treasury of this corporation, in money or its equivalent in property, one third of the capital stock fixed or agreed upon by the corporators or directors, and notice given thereof to the public by inserting the fact in one German and one English newspapers in the city of Louisville, certified to by the treasurer.

§ 4. The board of directors shall have the general manage- Directors. ment of the affairs of said company, and may exercise any and all the powers hereby granted to this corporation. They may, from time to time, pay dividends in stock, or in cash, from the profits of their business, and may distribute the net receipts and proceeds of their business among the stockholders pro rata, or may retain them, to be applied in extending the operation and business of the company. They may borrow money in such sums and payable at such times and places, and at such rates of interest or the wants or interests of the company may require; and may execute mortgages or

deeds of trust upon any or all of the property and franchises of the company to secure the payment of such debts as may, from time to time, be created.

Principal office. § 5. The principal office of said company shall be in the city of Louisville, but branch offices, agencies, or depots may be established at other points within or out of this State. The board of directors shall, after the first board herein established, consist of not less than five nor more than nine stockholders, and shall be elected by the stockholders as prescribed by the by-laws of the company. The board of directors shall have power to elect or appoint a president, secretary, and treasurer, and such other officers and agents as they may deem expedient, and may prescribe their duties, time of employment, and fix their salaries; and may require from any of its officers and agents bond, with security, for the faithful performance and discharge of their respective duties.

§ 6. This corporation shall continue for twenty (20) years from the date of the passage of this act.

§ 7. This act shall take effect from and after its passage.

Approved March 13, 1882.

#### CHAPTER 435.

AN ACT to incorporate the Bank of Greenville, of Greenville, Muhlenburg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Capital stock. § 1. That there is hereby established the Bank of Greenville, the capital stock of which institution shall not be less than ten thousand dollars nor more than one hundred thousand dollars, divided into shares of one hundred dollars each.

§ 2. That said shares shall be personal estate, and transferable only by a writing entered on a book to be kept by said bank.

Commissioners. § 3. That J. C. Howard, John G. Reynolds, J. A. Stokes, J. P. McIntire, Thos. H. Martin, Lewis Reno, and M. C. Hay are hereby appointed commissioners to obtain subscriptions to the stock of the corporation herein created, who, or a majority of whom, may meet at some convenient place in Greenville, Kentucky, so soon as this act is passed, and not later

than the first day of December, 1882, at which time they may open books and receive subscriptions of stock to said bank, and shall keep books open for one month, and until the minimum amount of stock herein provided is subscribed.

§ 4. That so soon as ten thousand dollars' worth of stock is subscribed, and ten dollars on each share is paid in, the stockholders of said corporation shall proceed to elect a president, who shall be a stockholder and owner of not less than three shares of stock, and a cashier, who shall be a stockholder and owner of not less than three shares of stock, and a board of five directors, each of whom shall be a stockholder; and in electing said officers, each stockholder shall have one vote for each share of stock owned by him; and said officers, when so elected, shall hold their office until the first Monday in June, 1882, and until their successors are elected and qualified.

§ 5. That on the first Monday in June of each year a president, cashier, and board of directors for said corporation shall be elected, to hold for and during the term of one year, and until their successors shall be elected and qualified; said officers to be qualified and voted for as set out in the last section.

Officers.

§ 6. The said institution is hereby created a corporation and body-politic, under the name and style of the Bank of Greenville, and by that name and style shall have perpetual succession, with power to contract and be contracted with, sue and be sued, to plead, interplead, and be impleaded, in any and all courts of this Commonwealth as may a natural person. They may make, have, and use a corporate seal, and the same break, alter, or renew at pleasure. They may, through their president and directors, make and declare a set of by-laws, and the same amend and change at pleasure, not inconsistent with the laws and Constitution of this State or of the United States. They may take bond from their president in such sums and with such stipulations as seems to them correct. They are empowered to receive on deposit gold, silver, money, bank notes, and other currency, and loan out same on personal or approved securities of any kind; to make advances on tobacco and other products of the country, and receive surety therefor by mortgage on same. To deal in gold and silver coin or bullion, notes, bills of exchange, stocks, or other securities of this or any other State or of the United States, or any other evidences of debt; to receive

Style.

Purposes.

promissory notes by assignment as security for money loaned, discount promissory notes and bills of exchange payable at said institution. Said corporation may acquire and hold, possess and use, occupy and enjoy, all such real and personal property, goods and chattels, as may be convenient and necessary for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debts, judgments, or decrees, and may sell or convey or otherwise dispose of the same as a natural person. That this bank shall be subject to pay the same taxes as other banks in this Commonwealth are required to pay.

§ 7. Private property of individual stockholders shall in no case be responsible for corporate debts.

§ 8. If any subscriber to said capital stock shall fail or refuse to pay up his or her or their calls for thirty days after the same is due, interest shall be charged on such calls from the time the same is due until paid; and if any call shall remain unpaid for the space of three months, the same, with the accruing interest thereon, may be recovered by suit in any court of record in the Commonwealth having jurisdiction thereof. Said bank shall have a lien on the stock owned by any stockholder before any other creditor: *Provided*, The certificate of stock shall be deposited with the bank as collateral security.

§ 9. Said bank shall be authorized to receive deposits from minors and married women, and their checks or orders for such deposits shall be good against said parties.

§ 10. This act shall take effect from and after its passage.

§ 11. The General Assembly of Kentucky retains the right to alter, amend, or repeal this charter at will; and it shall not extend beyond the period of thirty years.

Approved March 13, 1882.

#### CHAPTER 436.

AN ACT to incorporate the Ohio Valley Improvement and Contract Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John A. Armstrong, Geo. Kitzero, P. D. Mallory, Charles E. Hogue, and Alex. H. Jackson, of the State of Ken-  
Corporators.

tucky, and any three of them, are authorized to organize the corporation, and shall call a meeting of stockholders, within a reasonable time, for the election of a board of directors; and their successors and assigns are hereby created a body-politic and corporate, by the name of the "Ohio Valley Improvement and Contract Company;" and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, answer and defend, in all the courts and places as natural persons; to have and use a common seal, and alter the same at pleasure; and to conduct its business, and execute contracts in relation thereto, not inconsistent with laws of this Commonwealth.

§ 2. That the stockholders, once in every year, shall elect five directors, who shall serve for one year, and until their successors shall be elected and qualified; and the directors shall elect from their board a president, secretary, and treasurer, whose terms of office shall be one year, and until their successors shall be elected and qualified; and the board of directors shall have power to fill, by appointment, vacancies that may occur in the board of directors, or the offices which the board is authorized to elect, for the unexpired term or terms. The directors shall have authority to adopt, and alter or amend at pleasure, by-laws for the government of the affairs of the corporation; to provide for the issuance of certificates for shares in its capital stock, and the terms of subscription thereof and thereto, and the mode of transfer of shares of stock therein; and the corporators shall exercise the power and authority conferred upon the board of directors, until a board of directors shall be elected by the stockholders.

§ 3. The capital stock of the corporation shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each.

§ 4. The corporation shall have authority to enter into and make contracts with individuals, corporations, or associations for the construction of railroads, street railways, turnpikes, elevators, docks, wharves, public buildings, and parks; and may provide in contracts made by it for payment to be made in bonds or stock of corporations, or may secure the payment of any or all sums of money named in contracts made by it with any of the above named parties, by a mortgage or mortgages on the property, which the contracting parties may be autho-

ized under the law to convey by mortgage or otherwise; and the corporation may purchase, and sell and convey, any and all property which may be sold upon judgments rendered in actions to foreclose the mortgages made to it.

§ 5. This act shall take effect from and after its passage.

Approved March 13, 1882.

#### CHAPTER 437.

AN ACT for the benefit of common school district No. 40, of Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That common school district No. 40, in Trigg county, which includes the town of Cadiz, be, and the same is hereby, placed under the control and management of the trustees of the Cadiz High School, as hereinafter specified.

§ 2. The trustees of the Cadiz High School shall act as common school trustees of said district No. 40, and shall, in all matters, be governed and controlled by the laws now in force or that may hereafter be enacted regulating the duties of trustees of common schools in Kentucky.

§ 3. It shall be lawful for the said trustees of the Cadiz High School, at any regular or called meeting of said trustees, to levy and cause to be collected annually, a poll-tax, of not exceeding five dollars on each white voter in said school district entitled to vote therein, and an ad valorem tax, of not exceeding fifty cents on each one hundred dollars' worth of property in said common school district taxable under the revenue laws of Kentucky; said taxes to be levied and collected of white persons only.

§ 4. The taxes provided for in the preceding section, when collected, shall be applied and appropriated by said trustees to the payment of teachers' wages in said school, and other necessary expenses in carrying on same.

§ 5. That before this act shall go into effect, upon the application of said board of trustees, or a majority of same, the same shall be, by the order and direction of the county judge of Trigg county, submitted to the qualified white voters of said common school district by an election, to be held at the court-house in the town of Cadiz, twenty days previous notice of which election shall first be posted at the



court-house door and at least four other public places in said town of Cadiz, stating the time, place, and object of said election; said election to be held and conducted by officers appointed by the county judge of Trigg county for that purpose, on a day to be fixed by said county judge as said trustees may request; and it shall require a majority of the votes cast at said election before this act shall become a law, and unless a majority of the votes so cast be in favor of this act, the same shall be null and void; but if there be such a majority of votes in favor of same, then this act shall be in full force and effect from date of such election.

§ 6. The county judge of Trigg county shall appoint two judges and a clerk to hold the election provided for in section five of this act, who shall first be duly sworn as such before proceeding to act, and shall hold the said election, open the polls for same, and keep same open from eight o'clock, A. M., until 5 o'clock, P. M.; and the question shall be distinctly propounded to each and every voter "Are you for or against the proposed school tax in this district?" and his vote shall be recorded according to his answer. Said officers shall return the poll-book of the said election, certifying the result thereof, to the county court clerk's office of Trigg county, and same shall be filed and preserved therein; and said poll-book shall be examined by the said county judge, and if it appear that a majority of the votes cast at said election were in favor of said tax as provided in this act, said judge shall cause same to be entered on the records of the Trigg county court, and said trustees shall have same entered upon the journal of their proceedings, and then proceed to levy; and cause to be collected, the taxes as herein provided for.

§ 7. That the taxes provided for in this act may be collected by the sheriff of Trigg county, or by a collector appointed by the board of said trustees, in the same way and manner, and with the same powers, and under same restrictions and penalties, as the revenue tax of this State is collected; but before proceeding to collect the said taxes, the said sheriff or collector shall execute bond, with good and sufficient sureties, to the trustees of the Cadiz High School, for the faithful discharge of his duties under this act, and to pay over to the proper person, in due time, any and all money or taxes which may be collected by him, or for which he is

liable under the provisions of this act, which bond shall be approved by the president of said board of trustees, and attested by the secretary thereof, and carefully preserved by him. For any violation or failure to perform the duties imposed thereby, said trustees may sue on said bond in the circuit court of Trigg county.

§ 8. That on or before the first day of July of each year, the said trustees shall cause to be made out in alphabetical order a certified list of all persons and amount of taxable property owned by them taxable under this act in said common school district number forty, as shown by the assessor's book for said county of Trigg, made out and returned by the assessor to the county court clerk's office, together with the amount of taxes due and owing by each person thereon; and upon the receipt of which list, the said sheriff or collector shall proceed to collect the said taxes as provided in this act in the same way and manner, and with same powers as are now allowed by law for collecting the State revenue.

§ 9. That on the first day of each month after receiving said list the sheriff or collector shall report to, and pay over immediately to the treasurer of the board of "Trustees of Cadiz High School" the amount of taxes collected by him, and shall, on or before the first day of June in each year, account for and pay over to the said treasurer all taxes for which he is bound under this act; and upon his failure to do so, he and his sureties shall be liable therefor, and shall be proceeded against as provided for in this act.

Compensation to  
sheriff.

§ 10. That the sheriff or collector shall be allowed the sum of six per cent. commission upon all money collected and accounted for or paid over to the said treasurer in each year under this act.

Pro rata school  
fund.

§ 11. The said trustees of the "Cadiz High School" shall report to the common school commissioner of Trigg county in the same manner, and at the same time, that trustees of common schools are required to do, and it shall be the duty of said commissioner to draw and pay over to the said trustees all the money due to the said common school district number forty for white children in that year; but said money shall only be used by said trustees in paying teachers: *And provided*, Said trustees make provision for all the white children of pupil age in said common school district to attend said "High School," under the requirements of the common

school law of Kentucky : *And provided*, It shall be lawful for said trustees to have said school taught for the period of ten months annually, if they deem it advisable.

§ 12. This act shall take effect and be in force from and after its ratification, as provided for in sections five and six of same.

Approved March 13, 1882.

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CHAPTER 438.

AN AOT to amend the charter of the Deposit Bank of Smith's Grove.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of said bank be so amended as to allow the stockholders in said institution to fix the number, time, and manner of electing or appointing directors for the government of said bank, and the time for which they shall be chosen to hold office: *Provided*, That the same be done by and with the unanimous consent of all the stockholders in said bank.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1882.

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CHAPTER 439.

AN ACT to establish a high school in the town of Dixon, in the county of Webster.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That there is established in the town of Dixon, in the county of Webster, a high school, to be called the Dixon High School, and is to embrace a district of two miles square, with the center at the center of the cross of Main and Leiper streets in said town; and the boundary lines to be parallel with said streets—that is, two lines to be parallel with each of said streets.

§ 2. The same persons in said district to be admitted free in said school as are by law admitted to common schools in this State; and such other persons may be admitted by and upon such terms as the trustees may prescribe.

§ 3. There shall be five trustees in said district, one to be elected each year, except as herein provided, and to hold his office for five years; to have the same qualifications as common school trustees, and to be elected by the persons in said district having the qualifications of electors under the common school law; to be elected on the day set apart by the common school law for election of trustees; the election to be at the court-house, and to be held by such persons as may be appointed by the county court.

§ 4. Said trustees shall be a body-corporate, with power to contract, sue and to be sued, as trustees of the Dixon High School. Before entering upon their duties they shall take an oath to faithfully discharge their duties as trustees. All their contracts must be in writing, signed by the chairman, who shall be the trustee having the shortest time to serve. In case of a vacancy, the board may appoint a trustee till the next regular election, when the vacancy shall then be filled by an election.

§ 5. They shall have power to grade said school, and decide, if need be, who shall enter each grade; to employ teachers, and dismiss them for cause, and to prescribe the text books to be used. They shall keep a minute of all the proceedings, to be signed by the clerk and chairman, which shall be open to inspection at all times. They shall appoint a treasurer, who shall receive and pay out all moneys, and give and take receipts for same; and shall, before entry upon his duties, execute bond, with sureties, to be approved by the board. Upon this bond he and his sureties shall be liable for all moneys received by him and not properly paid out.

§ 6. Said trustees shall have power to purchase a lot or lots, and to erect thereon suitable school buildings and furniture. They shall in no way encumber said home and lot, nor shall any mechanic or material-man have any lien on said house or lot or lots for any material furnished or work done, but they may in advance pledge the funds hereinafter set apart to said mechanics or material-men, or to other persons, for the money with which to erect said house, &c., but shall not pledge it for money at a higher rate of interest than six per cent. per annum.

§ 7. Upon said trustees complying with the law as required by common school trustees, they shall be entitled to said district's per capita of common school fund. There is also by

this act levied upon each white male inhabitant residing within said district a poll-tax of five dollars; also an ad valorem tax of fifty cents on the one hundred dollars' worth of all real estate in said district, and all personal property, money, and choses in action in the State owned by residents of said district, all of which is hereby set apart as a school fund, and to be used for no other purpose except as hereinafter provided.

§ 8. The trustees shall appoint an assessor to assess said property and polls, and agree with him as to his compensation. He shall be duly sworn to faithfully perform his duties before he enters upon his duties. The trustees shall have power to review his list and equalize the tax. If a party fail to list his poll or property, the assessor shall do so for him. The assessment may be made at any time after the tenth day of January each year, and shall relate and be as if made on that day, except if persons move into said district after that day, and prefer to send to school, they may do so, and have the option to enter upon the same terms as parties out of the district, or be listed and pay as from or in proportion to the time of entering his children in said school.

§ 9. After the assessor has returned his list, and the same has been examined and approved by the board of trustees, the chairman shall file the same with the county court clerk, who shall preserve the same as a public record; and at the same time he makes out and delivers the county levy he shall also make out and deliver this list to the same officer, who shall collect the same and pay it to the treasurer of the board of trustees at the same time and manner, and under the same responsibilities as to him and his sureties, as if it were a part of the county levy, and shall have all the power to distrain and sell as sheriffs have when parties fail to pay State revenue or taxes, and shall have the same compensation.

§ 10. For the years 1882, 1883, 1884, and 1885 there shall be, and is hereby, levied a tax on the property mentioned in section seven of one dollar on the one hundred dollars' worth; shall be collected in the same manner and time, by the same party, and paid to the same party, which shall be devoted exclusively to the purchase of a lot and the erection of suitable buildings; and the fifty cents school tax for 1882 may be applied in the same way; and said property shall be exempt from taxation for State, county, or town purposes.

§ 11. This act shall not take effect till ratified by a majority of the vote upon an election, to be held for that purpose, on the first Monday in April, 1882; and if, from any cause, an election is not held on that day, or if held and the same is not ratified, it may be again submitted by an order of the county court upon the petition of twenty or more citizens voters of Dixon, in which event two weeks' notice shall be given by posted bills, and if ratified by a majority, then it is to be in full force and effect from that day.

§ 12. The county court shall appoint officers to conduct said election, and all other elections under this act, and said persons shall act under the same responsibilities as officers of county elections; shall make their return in the same manner and time, and to the same officers, whose duty it is to compare polls and determine results in county elections for county officers, shall do so under this act, and in the same time and manner. If the act be ratified, the vote in full, with the certificate of officers of election and the county board, shall be entered in full upon the order-book of the Webster county court, and shall be evidence of the adoption of this act.

§ 13. When this act is voted upon there shall also be elected five trustees, who shall hold their office for one, two, three, four, and five years, and till the next election for common school trustees; and the county judge shall by lot determine the order in which they shall go out.

§ 14. This act does not apply to colored persons, nor their property, but to white persons only. At the first election herein provided for, or at any election to adopt this act, all white male persons in said district who could vote for a justice of the peace, if this were a justices' district, may vote, and all widows who own property, or who have children within the school age, may also vote, and a majority of them voting shall determine the result.

§ 15. The expense of all elections under this act shall be paid by the trustees, and they may also agree with the treasurer for his compensation. They shall have control of the school property, and keep the same in repair with funds from scholars not residing in the district.

§ 16. If any tax-payer, at any time when the same may be due, shall refuse to pay his taxes on proper demand, the trustees may institute proceedings against such delinquent tax-

payer in any court having jurisdiction of the same, and recover judgment for the same with costs.

Approved March 13, 1882.

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#### CHAPTER 440.

AN ACT to incorporate the Baptist Church at Buck Creek, Shelby county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the members of the Baptist Church at Buck Creek, near Finchville, in Shelby county, Kentucky, be, and they are hereby, created a body-politic and corporate, by the name and style of "The Baptist Church, at Buck Creek," with perpetual succession, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of acquiring by purchase, gift, devise, lease or otherwise, and of holding real estate and personal estate, not exceeding ten thousand dollars, and shall have power to manage and control the same; and shall have power to receive all necessary conveyances, to sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire, and to reinvest the proceeds thereof in such real or personal estate for the use of said corporation as they may deem proper.

§ 2 That the real and personal estate of said corporation shall be managed by a board of five trustees, members of said church, who shall be elected by the members of said church at some regular church meeting for business, and they shall continue in office during the pleasure of said church. And any vacancy occurring in said board of trustees by death, removal of membership, or any other cause, shall be filled at the next regular meeting of the church for business by a majority of the members present. The said board of trustees shall have power to choose from their own body a president, secretary, and treasurer, whose duties shall be such as usually devolve upon such officers. All moneys that shall come into the hands of said trustees shall be invested and paid out by them as directed by order made at some regular meeting for business of the members of said corporation by a majority of those present at such meeting; and no money shall be paid out or invested by the treasurer of said board of trustees

§ 11. This act shall not take effect till ratified by a majority of the vote upon an election, to be held for that purpose, on the first Monday in April, 1882; and if, from any cause, an election is not held on that day, or if held and the same is not ratified, it may be again submitted by an order of the county court upon the petition of twenty or more citizens voters of Dixon, in which event two weeks' notice shall be given by posted bills, and if ratified by a majority, then it is to be in full force and effect from that day.

§ 12. The county court shall appoint officers to conduct said election, and all other elections under this act, and said persons shall act under the same responsibilities as officers of county elections; shall make their return in the same manner and time, and to the same officers, whose duty it is to compare polls and determine results in county elections for county officers, shall do so under this act, and in the same time and manner. If the act be ratified, the vote in full, with the certificate of officers of election and the county board, shall be entered in full upon the order-book of the Webster county court, and shall be evidence of the adoption of this act.

§ 13. When this act is voted upon there shall also be elected five trustees, who shall hold their office for one, two, three, four, and five years, and till the next election for common school trustees; and the county judge shall by lot determine the order in which they shall go out.

§ 14. This act does not apply to colored persons, nor their property, but to white persons only. At the first election herein provided for, or at any election to adopt this act, all white male persons in said district who could vote for a justice of the peace, if this were a justices' district, may vote, and all widows who own property, or who have children within the school age, may also vote, and a majority of them voting shall determine the result.

§ 15. The expense of all elections under this act shall be paid by the trustees, and they may also agree with the treasurer for his compensation. They shall have control of the school property, and keep the same in repair with funds from scholars not residing in the district.

§ 16. If any tax-payer, at any time when the same may be due, shall refuse to pay his taxes on proper demand, the trustees may institute proceedings against such delinquent tax-



payer in any court having jurisdiction of the same, and recover judgment for the same with costs.

Approved March 13, 1882.

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CHAPTER 440.

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§ 2 That the real and personal estate of said corporation shall be managed by a board of five trustees, members of said church, who shall be elected by the members of said church at some regular church meeting for business, and they shall continue in office during the pleasure of said church. And any vacancy occurring in said board of trustees by death, removal of membership, or any other cause, shall be filled at the next regular meeting of the church for business by a majority of the members present. The said board of trustees shall have power to choose from their own body a president, secretary, and treasurer, whose duties shall be such as usually devolve upon such officers. All moneys that shall come into the hands of said trustees shall be invested and paid out by them as directed by order made at some regular meeting for business of the members of said corporation by a majority of those present at such meeting; and no money shall be paid out or invested by the treasurer of said board of trustees

except upon order of said board of trustees made in compliance with the order of said corporation, and signed by the president and countersigned by the secretary of said board of trustees.

§ 3. That upon order of said corporation, made at some regular church meeting for business by a majority of the members present at such meeting, the said board of trustees shall have power to sell and convey any real estate belonging to said corporation, and make full and perfect title thereto to the purchaser thereof; and said conveyance shall be signed and acknowledged by a majority of said trustees, and when signed and acknowledged by said majority, the conveyance of said property shall convey a perfect title to the same to the purchaser thereof.

§ 4. The said board of trustees shall have power to transact any business pertaining to their duties at any time when a majority of them shall be present, and at all meetings a majority shall constitute a quorum to do business. They shall keep a record of their acts and business, and shall make a report thereof from time to time to the church as its interests may require.

§ 5. That said corporation shall have power to establish such by-laws, rules and ordinances, not inconsistent with this charter, the Constitution and laws of this State or the United States, as it shall deem necessary for the supervision and government of said corporation or its members, and at any meeting shall have power to receive any person into its membership, or exclude any member from its fellowship, and is hereby invested with all other powers and authority incident to similar institutions.

§ 6. That a majority of the members of said corporation present at any meeting shall constitute a quorum to do business.

§ 7. That upon the qualification of the board of trustees elected pursuant to section second of this act, the rights, powers, and duties of the present trustees of the Baptist Church at Buck creek shall cease, and their term of office shall expire, and the title to all property now vested in said trustees is hereby vested in the corporation, "The Baptist Church at Buck Creek."

§ 8. That the money for ordinary current expenses of the

corporation shall be managed, not by the board of trustees, but by the finance committee of the church.

§ 9. This act shall take effect from and after its passage.

Approved March 17, 1882.

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CHAPTER 442.

AN ACT to empower the trustees of South Kentucky College to borrow money, and to mortgage property held by them to secure the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of South Kentucky College, located at Hopkinsville, in the county of Christian, in addition to the other powers conferred upon and vested in them by the charter of said college, shall have the power, from time to time, to borrow money, to execute notes or bonds for the same, binding upon the said corporation, and to contract to pay any rate of interest on same not exceeding eight per centum per annum.

§ 2. In order to secure the payment of money that may be borrowed by said trustees, as authorized in the first section of this act, together with the interest thereon, they shall have the power to mortgage the college building and lot held by them, and situated between Nashville and Russellville streets, in the city of Hopkinsville, and also any other property that is now or shall hereafter be held by them. Such mortgage shall be executed, when authorized by a majority of said trustees, in the name of the said corporation, by the chairman of the board of trustees, and attested by the secretary of the board, and shall be acknowledged by the said chairman, and recorded as other mortgages are required by law to be recorded.

§ 3. This act shall take effect from its passage.

Approved March 17, 1882.

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CHAPTER 443.

AN ACT for the benefit of James B. Hackett, sheriff of Grayson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Jas. B. Hackett, sheriff of Grayson county, having by oversight failed to execute the bonds required to be exe-

cuted by sheriffs of this Commonwealth on or before the first Monday in January of each year, by chapter 92, article 8, section 3, and by chapter 100, section 25, of the General Statutes, he is authorized to execute said bonds on or before the first Monday in April, 1882, in the same manner as is required by the General Statutes, and with the same effect as if they had been executed before the first Monday in January of the same year.

§ 2. This act to take effect from its passage.

Approved March 17, 1882.

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#### CHAPTER 444.

AN ACT for the benefit of Mrs. Mary F. Terrell, of McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be lawful for Mary F. Terrell, of the city of Paducah, McCracken county, to dispose of by will, devise, bequest, deed, or gift, any or all of the real or personal estate or choses in action which she may now own, or may be interested in, or that she may hereafter become entitled to in any way.

§ 2. This act to take effect from and after its passage.

Approved March 17, 1882.

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#### CHAPTER 445.

AN ACT to relieve from the disability of infancy Albert S. and Fletcher Terrell, of McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the disabilities of infancy are hereby removed from Albert S. Terrell and Fletcher Terrell, of the city of Paducah, McCracken county, and they are hereby declared to be adults, and liable as such on all their contracts; and to dispose of any of their real or personal property by deed or will, except that said infants shall not have the right to vote.

Approved March 17, 1882.

CHAPTER 446.

AN ACT to amend an act, entitled (chapter 34) "An act to charter the Maysville Water Company," &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section four of an act to charter the Maysville Water Company, approved March 3d, 1880, be, and the same is hereby, repealed.

§ 2. That the said Maysville Water Company is hereby authorized, for the purpose of improving, altering, or extending their works, and for the erection of needed buildings, to create liabilities, either by issuing bonds secured by mortgage upon its works, together with its lands, machinery, pipes, outfits, and properties, rights, liberties, privileges, franchises, and all the toll, income, rent, issues, and profits now held or hereafter to be acquired by them, or to borrow money on negotiable paper issued upon the good faith of the said company.

§ 3. All laws or part of laws in conflict with this act are hereby repealed.

§ 4. This act to take effect and be in force from its passage.

Approved March 17, 1882.

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CHAPTER 447.

AN ACT for the benefit of school district No. 49, in Taylor county.

WHEREAS, By mistake or oversight the trustees in school district No. 49, in Taylor county, omitted from the census report of said district (No. 49), for the school year ending June 30th, 1882, twelve pupils, there being forty-nine (49) reported where there should have been sixty-one (61); therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the sum of sixteen dollars (\$16.80) and eighty cents be appropriated to said district for the benefit of the teacher therein, to be paid from the interest accruing from the Taylor county surplus bond of 1882, and when the commissioner shall draw his warrant for the same, countersigned by the Superintendent of Public Instruction, the Auditor

shall issue his warrant in favor of W. T. Underwood, common school commissioner of Taylor county, to be paid by him to the teacher of district No. 49, in Taylor county, for said year.

§ 2. This act to take effect from its passage.

Approved March 17, 1882.

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#### CHAPTER 448.

AN ACT to incorporate the Bloomfield and Chaplin River Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That A. M. Hinkle, John P. Hinkle, James Hayes, Alex. Huston, and James R. Huston, and their associates and successors, are hereby created a body-politic and corporate, under the name and style of the Bloomfield and Chaplin River Turnpike Company, for the purpose of constructing and operating a turnpike road from a point on the Springfield and Bloomfield Turnpike Road, in Nelson county, near A. M. Hinkle's, to a point on Chalin, Willisburg and Maxville Turnpike, near James Hayes, in Washington county.

§ 2. Said persons are authorized to open books and receive subscriptions to the capital stock of said company at any time or place they may deem proper, which shall be divided in shares of one hundred dollars each, and the entire capital stock shall not exceed an amount sufficient to build said road.

§ 3. When in the judgment of said incorporators a sufficient sum shall have been subscribed to build two miles of road, they shall call a meeting of the stockholders; and at such meeting five directors shall be elected from among the stockholders, and said directors shall select one of their number as president. To the president and directors shall be intrusted the control and management of the affairs of said company, and they shall have power to appoint a treasurer and secretary, and to take bond and security for the faithful discharge of their duties.

§ 4. Said company shall have all the powers conferred by, and be subject to the provisions of, chapter 110 of the General Statutes, and amendments thereto.

§ 5. This act shall take effect from and after its passage.

Approved March 17, 1882.

CHAPTER 449.

AN ACT to prevent stock from running at large in Augusta precinct, Bracken county, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person owning or having care of any stock to permit the same to run at large in Augusta precinct, Bracken county, and any person so offending shall be liable to such penalties as are prescribed and provided for in this act.

§ 2. That it shall be the duty of the constable, city marshal or sheriff to seize any stock found running at large in said precinct, and impound said stock, and provide for their care and keeping until the owner of such stock shall have redeemed them by the payment of all fees and costs incident to said procedure.

§ 3. That whenever any stock shall be found trespassing upon the inclosure of any person, the owner of such stock shall be liable for all damages done and for all fees and costs incident to the prosecution of such trespass, recoverable before any officer having competent jurisdiction, and the party injured shall have a lien upon such stock for all damages, costs, and fees.

§ 4. That the officer shall be entitled to the following fees for taking up stock running at large or trespassing upon the lands of any one: for each horse, jack, mule, or colt over six months old, one dollar; for each bull, cow, steer, heifer, or calf over six months old, fifty cents; for each sheep or hog over three months old, twenty-five cents, and all expenses incurred by him in impounding and taking care of the same: *Provided*, The owner of said stock is not known to be in immediate pursuit of same.

§ 5. That the officer making the seizure shall advertise all stock seized by him (if not redeemed within five days after the seizure of same) for sale in the precinct ten days before selling. The sale shall be made on a credit of three months, the purchaser giving bond with approved security, payable to the officer making the sale, who shall be entitled to receive the same commission and fees as are allowed by law for sales under execution for debt; and when the bond shall be collected he shall pay the residue, after all expenses are paid, to

the owner of said stock, and the officer shall be responsible on his official bond.

§ 6. That this act shall be submitted to the qualified voters of Augusta precinct at the next August election, and it shall be the duty of the officers of said election to open a poll and propound to each voter the question, "Are you for or against the stock law?" and register his vote in accordance with his response to said question. The vote shall be certified and returned, examined, and compared as they are required in other elections; and if it shall appear from the certificate of the examining board that a majority of all those voting for or against, voted in favor of the stock law, the presiding judge of the county court shall cause a record of same to be made by the county clerk, if the provisions of this act shall take effect; but if the examining board report to said judge that a majority voted against said stock law, then this act shall not be in force.

§ 7. That it shall be the duty of the sheriff, at least thirty days before the next August election, in at least three public places in the precinct, to post notices that a vote will be taken on the first Monday in August, 1882, for or against the "stock law."

§ 8. That this act shall take effect on the first day of October, 1882.

Approved March 17, 1882.

#### CHAPTER 450.

AN ACT to incorporate the Kentucky Land and Construction Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That M. Mundy, Edwin McKenna, Wm. J. Duncan, T. A. Lyon, and Wm. A. Meriwether, and their successors and associates, are hereby created a body-politic and corporate, under the corporate name of the Kentucky Land and Construction Company, with power to make and enforce contracts, sue and be sued, and to adopt and use a common seal.

Corporators.

Style.

§ 2. That a majority of the persons named in the preceding section may hold a meeting at any time, within ninety days from and after the passage of this act, for the purpose of electing a board of five directors, and doing such other acts



as may be necessary to complete the organization of said company.

§ 3. That the capital stock of said company shall be fifty thousand dollars, to be divided into one hundred shares of the par value of five hundred dollars each; but the amount of such capital stock may be diminished or increased by a majority of the directors at any meeting thereof; and in case of the increase at any time of the capital stock of said company, each share-holder shall have the privilege of taking said stock in proportion as his own *bona fide* holding of original stock stands to the whole, and the directors shall give due notice of such proposed increase to each share-holder before offering the same to others. Capital stock.

§ 4. The board of directors may, by by-laws, provide how payments on stock subscription shall be made, except that not more than twenty per cent. per month shall at any time be called for, and no assessment above the amount of the par value of the stock shall at any time be called for any purpose, nor shall any share-holder be liable for any debt of said company, unless the same shall have been fraudulently contracted with knowledge and consent of such share-holder.

§ 5. The officers of said company shall consist of president, vice president (who shall act as president in case of the absence or disability of that officer), a secretary, treasurer, and a general manager, who may also be vice president, to be chosen, from time to time, by the board of directors, for a term of twelve months, and until their respective successors shall be elected and qualified; but the board of directors shall have power, by a majority vote, to remove any officer or officers of said company at pleasure, and to fill the vacancies thus created, and appoint such other officers as they deem expedient. Officers.

§ 6. The directors elected as aforesaid shall serve for twelve months, and until their successors shall be duly elected and qualified; and thereafter the directors shall be elected by the stockholders at their regular meetings, to be held at such times and places in or out of this State as the by-laws of said company may provide, or the directors may, from time to time, determine. Vacancies in the board of directors occurring in the intervals between stockholders' meetings may be temporarily filled by the remaining members of the board. Terms.

§ 7. The said company shall have power to purchase, own, sell, or improve lands, manufacture or buy or sell lumber; may take such action as they deem best to induce emigration; appoint such agents as they may deem proper in this or other countries for that purpose; may build and operate railroads in this or other States, as employes or contractors, and acquire land in connection therewith, either by donation, purchase, or State or United States grant; may buy or sell its own or other securities; and may acquire by purchase, lease, or other rental such real and personal property in this or other States as may be necessary or convenient for carrying on its said business.

By-laws

§ 8. The board of directors shall have power to make by-laws, not inconsistent with this act or with the Constitution of this Commonwealth, and the same to modify at pleasure; and to appoint times and places for their own meetings, in or out of this State, as may be most convenient for the transaction of the company's business; and may by such by-laws increase the number of directors. No officer of said company shall make any contract on its behalf, or incur any liability for the company, except upon the approval of the board of directors, or in pursuance of power granted in the by-laws or by resolution of the board of directors.

§ 9. The board of directors shall keep books of record of the operations and business of said company, which shall at all times be open to the inspection of all the stockholders, and of any and all creditors of the company.

§ 10. The company shall terminate its existence twenty-five years from and after its organization, unless sooner terminated by general consent.

§ 11. This act shall take effect from and after its passage.

Approved March 17, 1882.

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## CHAPTER 451.

AN ACT in relation to the Shawneetown and Paducah Railway Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Shawneetown and Paducah Railway Company, a corporation formed and existing under the laws of the State of Illinois, be, and it is hereby, made a corporate

body within this Commonwealth, with all the rights and privileges, and subject to all the duties and liabilities conferred or imposed upon other railroad companies incorporated by the laws of this Commonwealth.

§ 2. That said Shawneetown and Paducah Railway Company shall have the right to build and operate a railroad in the county of McCracken, and in the city of Paducah, from the terminus of any railroad bridge or transfer that may be built or established across the Ohio river in said county to any station or depot in said city, or junction with any other railroad company, and may construct, maintain, and operate a railroad transfer across the Ohio river at Paducah, either alone or in connection with other companies, upon such terms as may be agreed upon; and may purchase, lease, or make running arrangements with any other railroad company with which it may connect; and may carry and transfer its locomotives, cars, freight, and passengers across said river. It being the intent and purpose of this act to enable and authorize the said company to build, own, and operate a line of railway from some convenient point in the city of Paducah to any such bridge or transfer landing, and so as to connect the same with a line of railway in the State of Illinois by bridge or river transfer, and may establish and construct such depots, sidings, turn-tables, shops, and offices as may be deemed expedient, and may purchase, lease, or otherwise acquire real and personal property for the said railroad tracks, transfer landings, depots, sidings, shops, offices, and other purposes of the said company; and for these objects may condemn such property, by proceedings in the McCracken court of common pleas; and in such proceedings the owner or owners or claimants of the property sought to be condemned shall be made defendants as in other actions, and such actions shall be tried by a jury, unless a jury be waived; and all the proceedings shall be according to the practice in cases of a traverse of the return upon a writ of *ad quod damnum*.

Purposes.

§ 3. The said Shawneetown and Paducah Railway Company may issue and sell its negotiable bonds, bearing a rate of interest not exceeding seven per centum per annum, payable at such times and place as it may determine, and may secure the same, or other obligations, by a mortgage upon its property, rights, and franchises in this Commonwealth, either

Bonds.

separately or in connection with its property, rights, and franchises out of this Commonwealth.

§ 4. The said company shall have the right to build and operate its railroad over and along such public ways in the city of Paducah as may be permitted by the common council of said city, and upon such regulations as said council may by ordinance require.

§ 5. The Shawneetown and Paducah Railroad Company is hereby authorized and empowered to subscribe stock in the Paducah and Illinois Bridge Company.

§ 6. The Legislature reserves the right to regulate the charges for passage and freights on said railroad or by said railroad company; also reserves the right to repeal, amend, or alter this charter.

§ 7. This act to take effect from its passage.

Approved March 17, 1882.

#### CHAPTER 452.

AN ACT to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved March 3, 1870.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the terms of office of receiver of taxes and treasurer of the city of Louisville shall be, and is hereby, extended to the first Tuesday in December, 1885, and that the terms of office of said officers shall thereafter be four years, and until their successors are qualified. That the present receiver of taxes and treasurer, at the end of the term for which they are elected, shall execute bond, with good sureties, conditioned for the faithful performance of the duties of their offices until the election herein provided for.

§ 2. Every receiver of taxes and treasurer elected under the provisions of this act shall, before entering on the duties of his office, execute bond to the city of Louisville, with good and sufficient sureties, conditioned for the faithful performance of his duties.

§ 3. This act shall take effect from its passage.

Approved March 17, 1882.

CHAPTER 453.

AN ACT to authorize a certain defined portion of Jessamine county to subscribe to the capital stock of the Sugar Creek and Watts' Mill Turnpike Road Company, and to provide for the payment of such subscription.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1 That that portion of Jessamine county embraced in Boundary.  
the following boundary, viz: Beginning at the bridge on the Danville, Lancaster and Lexington Turnpike, near the mouth of Hickman; thence with said turnpike in the direction of Nicholasville to the point where the boundary line of precinct No. 1 in said county crosses said pike; thence with said precinct line to the Nicholasville and Kentucky River Turnpike; thence with said turnpike to the Sulphur Well branch of the Nicholasville and Kentucky River Turnpike; thence with said branch turnpike road to the Point Lick Road at Sulphur Well; thence with said Point Lick Road to the Kentucky river; thence with said river to the beginning, be, and is hereby, authorized and empowered to subscribe six thousand dollars to the capital stock of the Sugar Creek and Watts' Mill Turnpike Road Company.

§ 2. That said subscription shall be made on the books of Subscription.  
said company, in the name of said defined portion of Jessamine county, by the county judge of said Jessamine county, whenever a majority of the qualified voters of said defined portion of said county shall, in writing, request him so to do.

§ 3. When said subscription is made as provided in this act, the same shall be binding upon said defined portion of Jessamine county, and the taxable property of said defined portion of Jessamine county subject to taxation for State revenue shall be bound for the payment thereof.

§ 4. The judge of the Jessamine county court shall, after Bonds.  
said subscription is made as aforesaid, issue in the name of said defined portion of Jessamine county six bonds in the sum of one thousand dollars each, one of which shall be made payable in each year until all are paid. The first bond shall be due and payable in one year after its date; the second in two years; the third in three years; the fourth in four years; the fifth in five years, and the sixth in six years after date, and each shall bear interest at the rate of six per cent. per annum from date until paid, and shall be negotiated by the.

treasurer of Jessamine county for any sum not less than their par value.

**Tax.** § 5. It shall be the duty of Jessamine county court, annually, to assess an ad valorem tax upon the taxable property within said defined portion of Jessamine county sufficient to meet the interest upon the bonds as they respectively fall due, and to pay the costs of assessment, levy, and collection of said tax.

**Assessor—duty.** § 6. It shall be the duty of the assessor of Jessamine county after this act goes into effect, at the time he is required to return his books or lists of assessments of property for State purposes and county taxation, to return to the Jessamine county court a separate list of the property and the value thereof, and the persons owning the same within said defined portion of Jessamine county, and for each list he shall receive as compensation five cents, to be paid out of the tax levied and collected under this act; and the assessor shall continue to return such separate lists each succeeding year until said bonds are paid. The duty of the board of supervisors and of the county clerk in regard to such separate lists shall be the same as now provided by law in regard to the tax-books and other lists: *Provided*, The clerk of the Jessamine county court shall make but one copy of said separate list, which copy he shall deliver to the sheriff of Jessamine county on or before the first day of June in each year, and shall take the sheriff's receipt for the same.

**Compensation.**

**Sheriff—duty of.** § 7. It shall be the duty of the sheriff of Jessamine county, after he shall receive the copy of said separate list, to collect the tax provided for in this act, in the same manner that he collects the State revenue; and he shall have the same powers of distraint, levy, and sale, and all necessary powers in the collection of said tax he possesses in the collection of State revenue; and he and his sureties shall be responsible for the collection and the proper accounting for said tax on his official bond as sheriff, and he shall be entitled to receive the same commission for collecting said tax as he is entitled to receive for collecting the State revenue, and shall pay all moneys collected under this act to the treasurer of Jessamine county, who shall appropriate the same to the payment of said bonds and the costs of assessment, levy, and collection of said tax.

**Compensation.** Said treasurer shall receive such compensation out of the fund

in his hands as the Jessamine county court may allow him, not exceeding one per cent. of the amount disbursed by him.

§ 8. Each person paying any of the tax herein provided for, shall, to the extent and amount of the tax paid, become stockholders in said company, and be entitled to share in any dividends that may be declared on the stock of said company. The sheriff shall execute and deliver to each person paying any tax a receipt for the amount thereof, which receipt shall be assignable, and when the receipts shall amount to fifty dollars or more, shall entitle the holder, upon presentation to the proper officers of the company, to certificates of stock in said company at the rate of one share for each fifty dollars and every multiple of fifty dollars.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 17, 1882.

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#### CHAPTER 455.

AN ACT to amend an act incorporating the town of Belle Point, in Franklin county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of trustees of the town of Belle Point shall have the power, from time to time, to direct and require the owners of lots or parts of lots in said town, fronting on any street or alley, to cause suitable sidewalks in front of their respective lots or fractions of lots to be graded, curbed, and paved, in such manner, with such material, of such width, and at such elevation, as the board may deem expedient; also to repair the same, in such mode and manner and at such time as the board may. If the owner or owners of such lot or lots or fraction of such lot or lots fail or refuse to have the sidewalks repaired, paved, graded, curbed, or finished within the time and in the manner prescribed by the board of trustees, it shall be lawful for said board to have the same done, and all costs and charges expended or incurred in the execution of such work shall be taken and be a tax upon said lots and fraction of lots and the owners thereof, respectively, in proportion to the amount which the whole improvement made under such order bears to the length in front of said lots or fractions of lots, respect-

ively, not to exceed in expense twenty per cent. of the value of the property before which the paving is done, which, when ascertained and determined as the said board of trustees may, by order or ordinance now in force or hereafter to be passed, provide, shall be listed with the marshal of said town, and collected as other taxes. Notice of such order or direction for constructing, repairing, grading, paving, macadamizing or curbing streets, alleys, sidewalks, or gutters, shall be given by publication in the newspaper of the Public Printer for the time being, for one month, by successive weekly publication therein, or by printed notice, set up at the bridge across the mouth of Benson, and at five other public places in said town, one month previous to the time fixed for the completion of such work; and a copy of such order or direction, if published in the newspaper aforesaid, accompanied with the affidavit of the Public Printer that the same has been duly published as herein provided, or a copy of such printed notice, accompanied by the affidavit of the marshal, that he posted the same as required by this section, may be recorded in the clerk's office of the Franklin county court, and shall be *prima facie* evidence that said order or direction was given, and publication made as required by this act, and attested copies of the same may be used on the trial of any cause, and shall have the same force and effect as other attested copies now authorized by law.

§ 2. That the board of trustees of the town of Belle Point shall be a body-politic, with perpetual succession, and shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places, and may use or not use a common seal.

§ 3. That the board of trustees of the town of Belle Point shall have the power and authority to clear all the streets, alleys, sidewalks, and passways in said town of all obstructions.

§ 4. That the Franklin county jail may be used by the town of Belle Point as a watch-house, and the jailer of Franklin county is authorized to receive into said jail any person committed thereto upon a mittimus issued by the police judge of said town; and he may receive into said jail any person arrested by any police or other peace officer of



said town between the hours of ten o'clock, P. M., and six o'clock, A. M., without such mittimus; but every person thus arrested shall be carried before the police judge or other competent authority for trial, or for examination of the charges against him, at the earliest practicable hour after such arrest. The town of Belle Point shall pay the costs of keeping prisoners committed under this act.

§ 5. That said board of trustees shall have power to prevent, abate, and remove nuisances at the cost and expense of the owners or occupiers, or of the parties upon whose grounds they exist, and to define and declare by ordinance what shall be a nuisance within the limits of said town, and to punish, by fine, any person for keeping, causing, erecting, or committing a nuisance; and said board shall have the right to pass all laws necessary to regulate the sanitary condition of said town.

§ 6. That said board of trustees of the town of Belle Point shall annually, as soon as they have qualified, elect a city attorney, who shall be the law officer of said board, and whose duty it shall be to attend, on the behalf of said town, to all suits, motions, and prosecutions by or against said town, and to give advice when called upon by any officer of said town as to his official duty, and to perform such other services as the board may require of him. He shall receive for his services such compensation, either by way of salary or part of fines imposed, as the board shall deem reasonable.

§ 7. That said board of trustees shall have a true and correct plat of said town made, showing all the streets and alleys in said town, and shall have the same recorded in the Franklin county court clerk's office within one year from the passage of this act.

§ 8. This act shall take effect from its passage.

Approved March 17, 1882.

## CHAPTER 456.

AN ACT to repeal an act of the General Assembly of 1871, and all amendments thereto, entitled "An act to prohibit the sale of intoxicating liquors in Bullitt county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That chapter 1761, Local and Private Acts of the General Assembly of 1871, entitled "An act to prohibit the sale

of intoxicating liquors in the county of Bullitt," and all amendments thereto, be, and the same are hereby, repealed.

§ 2. That it shall be the duty of the Bullitt county court to order the sheriff of the county to open a poll at each of the voting places in the county at the August election, 1882, to take the sense of the qualified voters of said county as to whether they are for or against repealing an act to prohibit the sale of intoxicating liquors in Bullitt county, and the amendments thereto. The clerk of the county court shall prepare two columns on the poll-books, one in which to record the votes of those for the repeal, and the other against the repeal. The question shall be asked of each voter voting at said election, "Are you for or against repealing the act to prohibit the sale of intoxicating liquors in Bullitt county, and amendments thereto?" and the clerk shall record the vote in accordance with the answer. The poll-book shall be kept and certified as required by the general law on the subject of elections. The board whose duty it is shall compare the polls and certify the result, which certificate shall be spread on the order-book of the county court; and if it appear that the majority have voted for the repeal, then the first section of this act shall take effect and be in force from the first day of September, 1882; but if a majority do not vote in favor of repealing, then this act shall be null and void, and of no effect.

Approved March 17, 1882.

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## CHAPTER 457.

AN ACT for the benefit of Lorenzo McKinney.

WHEREAS, On an inquest of lunacy held by the judge of the criminal court, George G. Perkins, for Harrison county, on the October term, 1879, John McKinney was found by a verdict of a jury to be a lunatic, without any estate whatever, and incapable of laboring in whole or in part for his support, and that he had not sufficient estate for his support, and that he was, by the proper authority, ordered to be sent to the lunatic asylum, and was refused admission; and it appearing that his committee, Lorenzo McKinney, cared for and supported him from October —, 1879, until his death, March 8th, 1881; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of State draw a warrant on the Treasurer in favor of Lorenzo McKinney, for the sum of one hundred and six dollars and twenty-five cents (\$106.25), to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 17, 1882..

# CHAPTER 458.

AN ACT to amend and reduce into one all the acts in regard to the town of Carrsville, in Livingston county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the town of Carrsville, in the county of Livingston, be, and the same is hereby, declared an incorporated town, whose boundary shall hereafter be as follows: Beginning at the mouth of Buck creek where it empties into the Ohio river, and running half a mile at right-angles from said river; thence half a mile at right-angles to the beginning, so as to include Dr. C. L. Harris and Mrs. M. Clemens' houses and lots in the incorporated limits. Boundary.

§ 2. That the fiscal, prudential, and municipal concerns of said town be vested in a board of five trustees, to be annually elected on the first Monday in May in each year by the qualified voters of said town: *Provided, however,* That no one shall be eligible to said office who has not resided in said town one year next before his election: *And provided further,* That a majority of said board shall form a quorum to transact business, and the trustees elect shall continue in office until their successors are elected and qualified. Trustees—election.

§ 3. That the said trustees shall be a body-corporate, invested with all general powers conferred by the laws of this Commonwealth on bodies corporate of like character. Shall have a common seal, and may alter or break the same at pleasure, and shall be known by the name and style of "The Board of Trustees of Carrsville." Style.

§ 4. That the said trustees shall meet as early as practicable after their election, and shall elect one of their number Chairman.

chairman of the board, who shall preside over their meetings' and shall be known as the chairman of the board of trustees of the town of Carrsville.

Voters.

§ 5. All male citizens of said town who shall be over twenty-one years of age and entitled to vote for State Representative, shall be entitled to vote in the election of trustees and other officers hereinafter named.

Term.

§ 6. The trustees shall hold their office for one year after their election, or until their successors be qualified, and shall take an oath faithfully to discharge their duties as such, as well as the general oath of office prescribed in the Constitution.

Police judge—  
election.

§ 7. The qualified voters as herein defined shall, on the first Monday in August next, elect a police judge, and every four years thereafter in the same manner that county judges are now elected; they shall also, on the first Monday in August next, and again every two years thereafter, elect a town marshal in the manner that sheriffs are now elected. The police judge shall be known by the style of the police judge of the town of Carrsville. He shall have the same qualifications as the trustees are herein required to have, and he shall have, within the boundaries of said town as established by this act, all the civil and criminal jurisdiction which, by existing laws or by laws which may be passed by the present General Assembly, are conferred upon justices of the peace; and, in addition thereto, shall have all the jurisdiction in felonies and misdemeanors which, by the Code of Practice in criminal cases, is especially conferred upon police judges as such.

Jurisdiction.

Marshal.

§ 8. The marshal shall see that the ordinances of the said town are carried into execution, and shall collect all taxes imposed by the trustees; and shall give bond annually in the sum of one thousand dollars, with such surety as the trustees may approve, conditioned faithfully to collect and pay over said taxes, and such fines or forfeitures as may come to his hands; and shall, moreover, take an oath to discharge his duties aforesaid. He shall, within the limits of the said town of Carrsville, as hereby established, have all the powers in civil and criminal matters which, by existing laws, or by laws which may be passed by the present General Assembly, are conferred upon the constables of the State.

§ 9. The trustees shall have power to appoint a clerk, who shall keep, in a fair and legible hand, and in a book provided for that purpose, a full record of all of the proceedings of the board of trustees. Said clerk may be removed at the pleasure of a majority of the board elected, and shall receive such compensation as may be deemed proper by said trustees.

§ 10. All vacancies that may occur after an election in either the office of trustee, police judge, or marshal, may be filled by a majority of the board in office; and the person thus appointed shall remain in office until the succeeding annual election. Vacancies.

§ 11. If the chairman of the board of trustees be absent, the board may appoint one *pro tem*.

§ 12. All elections for officers under this act shall be conducted by the clerk of the board, whose duty it shall be to give one week's written notice of each election, posted at three public places in said town. He shall, after each election, give to each officer a certificate of his election, who shall thereupon take oath prescribed by this act. Elections — notices.

§ 13. The board of trustees shall meet at least once every two weeks, at such time and place as they may designate, and oftener if emergency require it; and any member failing to attend a meeting shall be liable to a fine, not exceeding two dollars for each offense, to be recovered before the police judge of said town in the name of the chairman of the board of trustees.

§ 14. Said trustees, for the use, benefit, and ornament of said town, shall have power to acquire real, personal; and mixed estate, either by purchase, donation, or otherwise, and shall have power to sell and convey the same, a majority of the board consenting thereto, and provided that the votes for and against a proposition of a sale shall be specially entered on the records of the town.

§ 15. That the trustees shall have power to clear the streets, alleys, sidewalks, and passways of said town of all obstructions; to erect and sink cisterns, wells, and pumps, and keep open all springs in said town. They shall also have power to preserve and protect, free from all incumbrance, the public property of said town. They shall have full power to remove and abate any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material. They shall also have power

to cause any chimneys, flues, stove-pipes, or fire-places that in their opinion threaten the security of property to be changed and repaired so as to remove the cause of danger. They shall also have power to cause the owner or owners or occupiers of property fronting on streets and alleys to keep the said streets and alleys in front of them from filth; and in all cases unenumerated in this section, when the persons who should do so fail or refuse to obey and perform the directions given in relation thereto by said trustees, the trustees may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by those who shall not have complied with the directions of the board, and may be recovered in the name of the board of trustees by a warrant before the police judge, if the sum claimed be fifty dollars or under; if over that sum, by suit in the circuit court.

§ 16. The trustees shall have power to sue and recover for all injuries done to the property of said town.

Appeals.

§ 17. The laws regulating appeals in civil and criminal cases from the judgments of police judges and justices of the peace shall apply to appeals in such cases from the judgments of the police judge of the town of Carrsville.

Fine.

§ 18. The trustees shall have the power to cause the grounds belonging to the town to be ornamented in such manner as they deem expedient, with fencing, trees, and shrubs; and for any injuries done to said improvement they shall have power to inflict a fine not exceeding twenty-five dollars, to be recovered by a warrant before the police judge.

§ 19. That whenever a majority of the qualified voters in said town shall require a street to be paved or macadamized, the trustees shall have power to cause the same to be done.

Assessor.

§ 20. The trustees shall have power, and it shall be their duty, annually, to appoint an assessor, who, after being sworn faithfully to perform the duties of his office, shall call upon the taxable persons in said town, and make out a true list of their taxable property, with the value thereof, and this shall be made upon the oath of the tax-payer, to be administered by the assessor; and said list shall embrace all real estate in said town, and all other species of property subject to taxation by general law; and if any person shall refuse to give in said list, he or she shall be treble taxed on the value of their property, to be ascertained by the oaths of any two persons resident in said town, to be recovered by warrant before the

police judge, with costs, in the name of the board of trustees, regardless of the amount claimed; the assessor shall return his list within one month after his appointment, and may be fined for failing so to do, upon a warrant before the police judge, in the name of the board of trustees, in a sum not less than five nor more than fifty dollars. Said assessor shall be paid for his services such sum as said trustees may order.

§ 21. The trustees shall have the power to control the public burial ground of said town, and for any injury done to the same, or trespass thereon, may impose a fine not to exceed twenty-five dollars, to be recovered by warrant before the police judge, in the name of the board of trustees.

§ 22. The marshal of said town, in the execution of the ordinance of the trustees, and the judgments of the police court, and the collection of taxes, shall have all the power of levy and distress now vested by law in the sheriffs of the Commonwealth. Said marshal shall be overseer of the streets, and shall be required to keep the same in good order, under the same regulations now governing surveyors of the public highways; and when a *capias pro fine* issued by the police judge shall come to his hands, he shall arrest and imprison the defendant or defendants in the county jail until the same be satisfied.

§ 23. The trustees shall have power to levy an ad valorem tax, not exceeding the amount provided by the General Statutes of Kentucky, upon the taxable property in said town, exclusive of poll-tax, but above this no tax shall be levied unless it shall be voted by a majority of the voters in said town, written public notice posted in three public places in said town three weeks before the election so ordered by the board; the poll-tax shall not exceed one dollar and fifty cents for each tithe resident. Tax.

§ 24. The trustees shall appoint a treasurer, who shall give bond with surety as may be required by said trustees, to faithfully discharge all the duties required or pertaining to the nature of his office upon oath. He shall settle his accounts once each year at such time as may be stated by said board. Treasurer—bond

§ 25. The trustees shall have power to tax all theatrical performances, shows, and exhibitions of whatsoever name or nature, or any game of whatsoever name or nature, in any sum not exceeding twenty-five dollars for each day such Shows, &c.

show, theatrical exhibition, public performance, or game may exhibit in said town.

§ 26. The said trustees shall exercise and possess all the powers and privileges which are by the general laws of this State vested in and granted to trustees of towns. They shall have full power and authority to make all necessary by-laws, ordinances, and regulations to carry into full effect the powers granted by this act, and such others as are not contrary to the Constitution and laws of this or of the United States for the purpose of securing the quiet and good order of said town.

Fine.

§ 27. The trustees shall not assess a larger fine than twenty-five dollars for the infraction of any ordinances or by-law passed by them to promote and protect good order in said town, which may be recovered in the name of the board of trustees before the police judge or any justice of the peace whose district may include said town, or any part thereof. Such fine when collected, and all other fines which may be recovered in the name of the Commonwealth or otherwise before the police judge or justice of the peace for any offense committed within the limits of said town, shall be paid over to the treasurer of the board for the use and benefit of the town.

§ 28. The marshal shall have full power to carry the ordinances and by-laws of the board into effect; all warrants or executions issued by the police judge or justice of the peace for an infraction of any of the ordinances or by-laws of said board, shall be directed to the marshal of said town or any constable of Livingston county, whose duty it shall be to execute the same. In the collection of demands, taxes, and executions that may come to his hands, the marshal shall be subject to the same rules and regulations required by laws of sheriffs in collecting taxes, and constables in the collection of executions and demands; and for failing to perform any duty required of him, he shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases. He shall be entitled to the same fees for collecting taxes that sheriffs are, and the same fees that constables are entitled to upon executions and other services, and such other compensation as the trustees may deem proper.

Process

§ 29. The process in any civil case pending before said police judge may be directed by him to the marshal or to any constable of Livingston county.



§ 30. Webb Owen, Charley Allard, P. R. Threlkeld, Dr. C. L. Harris, and Judge McCollum are hereby appointed trustees of said town, who shall, immediately after this act goes into effect, take upon themselves the discharge of the duties imposed by this act upon the trustees of said town. They shall remain in office until the first election under this act, which shall be on the first Monday in May, 1882. Trustees.

§ 31. Any justice of the peace of Livingston county may issue any civil or criminal process directed to said marshal, whose duty it shall be to execute the same: *Provided*, That said marshal shall not be compelled to go outside the limits of said town to execute process in civil cases.

§ 32. That the legal title to all the streets and alleys in said town, and to all the real, personal, or mixed estate, which now does or may hereafter belong to said town, shall be, and is hereby, vested in said board of trustees and their successors in office, and they shall have power to pass all necessary ordinances to protect the same, or for the punishment of any injury or destruction of the same: *Provided, however*, That this act shall not be so construed as to affect in any way any right, legal or equitable, which may now belong to any person, and which they have not parted with or been divested of by deeds of conveyance or otherwise.

§ 33. This act shall take effect on the fifteenth day of April, 1882.

Approved March 17, 1882.

#### CHAPTER 459.

AN ACT to amend an act, entitled "An act to incorporate the Polytechnic Society of Kentucky," approved April 10th, 1878, and an act amendatory thereto, approved March 27th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Polytechnic Society of Kentucky, incorporated by the General Assembly of the Commonwealth of Kentucky by an act approved April 10th, 1878, is, and shall forever remain, in fact and in law, a body-corporate, by the name and title of Polytechnic Society of Kentucky, and entitled to all the rights, privileges, and powers appertaining to bodies corporate, and as such may have and use a corporate seal; may sue and be sued, may possess, hold, and acquire, by Style.

purchase, gift, devise, or other lawful means, property, either real, personal, or mixed, and may sell, lease, or otherwise dispose of any such property, in such manner and for such purposes as may be deemed best calculated to carry out the objects of the society: *Provided, however,* That no sale of property exceeding in value \$1,000 shall be made without the consent of a majority of the members present and voting at a regular meeting of the society, or at a meeting called for the purpose of considering such sale.

§ 2. The objects of this society shall be the cultivation and diffusion of knowledge by maintaining a free reference library, a circulating library, and courses of popular lectures; by collecting, preserving, and arranging in its libraries and cabinets whatever may illustrate history, science, literature, the arts, or other branches of useful knowledge, and especially the history, topography, geology, paleontology, zoology, botany, mineralogy, and the sociology and industries of Kentucky, and by organizing and maintaining, as may be deemed expedient, academies or classes in science, art, literature, philosophy, and technology.

§ 3. This society shall, at all times, be composed of citizens of Kentucky, and no others than citizens of Kentucky shall be qualified for any of its offices, or to vote in its meetings. But non-residents may be elected to fellowship or to honorary membership; and ladies, minors, and non-residents may, under its rules, enjoy a qualified membership, entitling them to its privileges and benefits.

Officers.

§ 4. The officers of this society shall consist of a president, vice president, secretary, and treasurer, who shall be elected annually by the society by ballot, and nine directors, who shall in like manner be elected for the term of three years: *Provided,* That three directors elected at the next annual election shall serve only for the period of one year, three for the period of two years, and three for the full term of three years. The vote shall be taken first for three directors to serve three years, then for directors to serve two years, and then directors whose terms of office shall expire at the next annual meeting of the society, at which time, and every year thereafter, three directors shall be elected for the full term of three years.

§ 5. The president, vice president, secretary, and treasurer, together with the nine directors, shall constitute the Execu-

tive Council of the Polytechnic Society of Kentucky, which shall have the direction, management, and control of the funds, property, estate, and business of the society, and shall fill any vacancy that may occur in any of its offices until the next annual election. The president, vice president, and secretary of the society shall *ex officio* be the president, vice president, and secretary of the executive council.

§ 6. Five members of the executive council shall form a *Quorum*. quorum for the transaction of ordinary business. Five members of the executive council shall form a quorum at any stated, adjourned, or regularly called meeting; but not less than eight members of said council shall be required to form a quorum at any meeting in which any change in the officers, management, or policy of the society, or any outlay of over one thousand dollars shall be acted upon: *Provided*, A lawful quorum shall not be broken or destroyed by the retirement of any member or members from any such meeting after the business is taken up for action, if five members shall be present.

§ 7. The present officers and managers shall constitute the executive council until the next annual election. Executive council.

§ 8. The annual meeting of the society for the election of officers shall be held on the third Monday in April of each year, or at such other time as the by-laws may direct.

§ 9. Said corporation may, for the purchase and improvement of real estate, or for buildings in which to keep its library, museum, works of art, or other property, or for other purposes in furtherance of the objects of said corporation, issue its bonds in any sum or sums, at any time maturing, and bearing any rate of interest not greater than seven per cent. per annum, as the executive council may determine; and may secure the same by mortgage on its property, real and personal: *Provided*, That the gross amount of bonds outstanding, for the payment of which said corporation is liable, shall not at any time exceed one hundred and fifty thousand dollars, nor shall any bond be issued by said corporation run for any period exceeding thirty years. All bonds issued by authority of this act shall be signed by the president and secretary of the society, and be attested by its corporate seal, and may be sold and disposed of in any manner or for any price the executive council may direct.

§ 10. The executive council shall define in by-laws the duties of the respective officers, and shall require of each officer whose duty it shall be to handle or hold or have charge of any of the property or funds of the society, a bond, with sufficient surety, to secure the faithful discharge of his duties.

§ 11. The executive council may enact such by-laws as are deemed necessary to carry out the objects of the society in harmony with the charter.

§ 12. That all the property of this corporation, real, personal, and mixed, shall be free from all State and municipal taxation; but said society shall not acquire real estate for speculative purposes, or hold real property exempt from taxation apart from the building and grounds used for the objects named in this charter, and containing its library, museum, and gallery; and in case this charter or corporation shall lapse from non-user or other cause, any property that may be owned by the corporation shall escheat to the Commonwealth of Kentucky, and pass under the supervision of the State Librarian.

§ 13. The Governor of Kentucky who may be in office for the time being shall be *ex officio* a member of the executive council.

§ 14. In order to further the efforts of this corporation in establishing a great free library in the advancement of science, and in founding a free art gallery, school of design, and natural history museum in the city of Louisville, the general council of the city of Louisville is authorized and empowered, upon the request of a majority of the resident tax-payers of the said city of Louisville, as shown by the books of the assessor, to impose, for the benefit of said institution for the purposes aforesaid, a general tax of not exceeding two cents on every \$100 of property subject to taxation for purposes of sinking fund in said city, which said tax shall be collected as other taxes of the city of Louisville, and paid over, as collected, to the officers of said institution; and said tax, when imposed according to the terms of this section, shall continue for a period of three years, and the same may be continued for like periods of three years as often as said general council of the city of Louisville may be so petitioned by a majority of the voters of the city of Louisville as aforesaid.

§ 15. All laws or parts of laws contravening the provisions of this act are hereby repealed.

§ 16. This act shall take effect from and after its passage.

Approved March 17, 1882.

## CHAPTER 460.

AN ACT to reduce into one all the acts in relation to the town of Stanford.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

### ARTICLE I.

§ 1. That so much of the county of Lincoln as is embraced within the present limits of the city of Stanford, as herein-after named, and the persons residing within said boundaries, are hereby created a body-politic and corporate, by the name and style of the "City of Stanford;" and by that name may have perpetual succession; sue and be sued in all courts at law or in equity; may contract and be contracted with; may purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation, and may lease, sell, and convey or otherwise dispose of the same. Boundary.  
Style.

§ 2. And said city is invested with all the lands, tenements, hereditaments, and all the goods, chattels, moneys, revenues, rights, and demands in possession or expectancy of the town of Stanford; and shall be bound by all contracts, and responsible for all debts, demands, and liabilities of whatsoever kind against said town, in the same manner, and to the same extent, as before the adoption of this act.

§ 3. All the streets, alleys, roads, lanes, and commons now open to the public for travel, and now established in said town, are hereby declared to be streets, alleys, roads, lanes, and commons of the city of Stanford.

§ 4. That the corporate limits of the city of Stanford shall be a square formed by four straight lines, to be parallel with the four walls of the court-house, and each of said lines shall be three fourths of a mile therefrom.

§ 5. All suits or proceedings against said city, service of process, shall be upon the mayor, or, in his absence from the city, upon the clerk of the city council. Process.

## ARTICLE II.

*Distribution of the Powers of Government.*

§ 1. The corporate powers of the city of Stanford shall be divided into three distinct departments, namely: the legislative, the executive, and the judiciary.

## ARTICLE III.

*Legislative Department.*

§ 1. The legislative powers of the city of Stanford shall be vested in seven councilmen, to be styled the city council of Stanford. The councilmen shall appoint one of their number as mayor.

Legislative department.

§ 2. No person shall be eligible as a member of the city council who is not a male citizen and legal voter of said city, and who has not been a continuous and bona fide resident thereof for at least one year next preceding his election, and who shall be directly or indirectly interested in any contract with said city, or in any application therefor; and if, after election, any member of the city council shall remove from the city, or shall die or resign his office as councilman, or accept any office, post, employment, or agency, the holding or discharging of which would have rendered him ineligible as a member of said council, his seat as such member shall be thereby vacated.

§ 3. Stockholders in corporations may be eligible as members of the city council, but shall not vote on any question, directly or indirectly, affecting said corporations, or any right or duty under same, or contract or agreement between such corporations and the city of Stanford.

§ 4. Each member of the city council, and all other city officers, before they enter upon the execution of the duties of their respective offices, shall, in addition to the oath required by the Constitution and the laws of the Commonwealth, take, in substance, the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully, without fear, favor, or affection, perform the duties of the office of \_\_\_\_\_ of the city of Stanford according to law." The oath, or affirmation, to be administered by any officer who is authorized by law to administer oaths, and a certificate thereof shall be noted on the journal and filed with the records of the city.

Oath.

§ 5. The members of the city council shall hold their offices for the term of two years from and after their election, and

Term.

until after their successors shall have been elected and qualified, save as hereinafter provided.

§ 6. The city council shall keep or cause to be kept a correct journal of all their proceedings.

§ 7. The city council shall meet the first Thursday in each month, and shall designate by ordinance the place of their meetings. The mayor or any three councilmen may call special meetings when, in his or their opinion, the interests of the city demand it. Meetings.

§ 8. Immediately after the adoption of this act, the city council shall cause to be published in pamphlet form, with a full index and marginal references, this charter, together with the ordinances and by-laws of the city.

§ 9. The compensation of the members of the city council shall be one dollar each for each regular meeting night they attend. Compensation.

§ 10. No member of the city council shall be compelled to serve as a juror in any of the courts of this Commonwealth during his term of office. Exemption.

§ 11. The city council may, by ordinance, prescribe the rules of their proceedings, and by proper penalties enforce the same, and attendance of the members, and may punish members of said council for disorderly behavior during the sessions or meetings of said council, or for their failure to attend the meetings.

§ 12. A majority of the city council shall constitute a quorum to transact all or any of the business of the city, and pass and enact laws and ordinances. Quorum.

§ 13. Upon all questions voted upon by the city council, any member shall have the right to call for the yeas and nays, and have the same recorded in the journal.

§ 14. No ordinance of a penal nature shall have the force of a law until the same shall have been published, in a newspaper published in the city, or by bills posted up in the corporate limits of the city.

§ 15. The city council shall have power within the limits of the city, in addition to the other powers granted to and vested in them by this charter — Powers.

*First.* To levy and cause to be collected a per capita and ad valorem tax within the limits prescribed in this charter.

*Second.* To appropriate money and provide for the payment of the debts and expenses of the city.

*Third.* To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within one mile of the boundaries of the city.

*Fourth.* To establish hospitals and pest-houses and make regulations and rules to secure the good government of same.

*Fifth.* To make rules and regulations to secure the general health of the inhabitants of the city.

*Sixth.* To prevent, abate, and remove nuisances at the costs and expenses of the owners or occupants of the parties upon whose ground they exist, and to define and declare by ordinance what shall be a nuisance within the limits of the city; and they may, by ordinance, affix the penalty for keeping, causing, or committing a nuisance, which shall be by fine in the city court, not exceeding ten dollars for each day the same is continued after notice.

*Seventh.* To provide the city with water by means of springs, wells, cisterns, or otherwise; to erect hydrants, fire-plugs, and pumps in the streets, within or beyond the limits of the city, for the convenience of the inhabitants of the city and its environs.

*Eighth.* To establish, erect, and keep in repair bridges, culverts, sewers, and dams, and regulate the use of same.

*Ninth.* To provide for the lighting of the streets, market-houses, public buildings, rooms, and offices of the city.

*Tenth.* To appoint, support, and regulate the marshals policemen, night watches, patrols, and prescribe their duties and compensation.

*Eleventh.* To erect suitable market-houses; to establish market places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and provide for the condemnation and destruction of such as are stale and unwholesome.

*Twelfth.* To provide for the erection and repair of all needful public buildings, and for inclosing and improving all public grounds belonging to the city.

*Thirteenth.* To license, tax, and regulate auctioneers, retailers, private boarding-houses and gift stores, peddlers, insurance agents, brokers, pawnbrokers, tobacco factories, warehouses, and public halls.

*Fourteenth.* To license, tax, and regular hackney carriages, coaches, omnibuses, carts, drays, and wagons.



*Fifteenth.* To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements, circuses, menageries, and museums.

*Sixteenth.* To license, tax, regulate, restrain, prohibit, and control in said city all taverns, victualers, confectioners, taverns with the privilege of retailing spirituous liquors, alleys for nine or ten-pins, all houses of public resort, billiard tables, pigeon-hole tables, bowling-saloons, tippling-houses, lager beer, ale, and eating houses; but in no case shall the tax or license exceed two hundred dollars per annum, and in no event shall they have power to license any persons, other than tavern-keepers, to retail spirituous liquors within the city; and no license granted by said city shall authorize the holder thereof to transact business until he shall have obtained such other license as the law may require; nor shall any license authorize any person to transact business in said city until the city license shall have been granted and fully paid for; and nothing in this section shall prohibit merchants, other than retailers, from selling liquors as now authorized by law.

*Seventeenth.* To suppress gambling-houses, gambling, gaming, drunkenness, bawdy-houses, or houses of prostitution, street-walkers, and disorderly houses of all kinds, and to provide for the arrest and punishment of the offenders; and may provide for the prevention and punishment of any person who shall rent property to prostitutes, or shall suffer their property to be used or occupied by lewd or disorderly persons; and may prescribe by ordinance such penalties therefor as they may think proper.

*Eighteenth.* To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; also to regulate and restrain the erection of wooden buildings, and to provide for the removal of the same when built contrary to the ordinances of the city.

*Nineteenth.* To regulate and control the storage of gunpowder, tar, pitch, rosin, hemp, cotton, coal oil, and all other combustible materials.

*Twentieth.* To provide for the levy and sale of the real and personal estate of all persons against whom or whose property a per capita or ad valorem tax is assessed under this charter, the regulation prescribed not to be in conflict with those hereinafter provided.

*Twenty-first.* To erect a work-house, and provide for the regulation and government thereof.

*Twenty-second.* To elect a city attorney and clerk (the clerk may be one of the members of the council, and shall also be clerk of the city council); and may appoint a marshal, treasurer, assessor, and warden of the city work-house (the same person may hold the offices of marshal, collector, and assessor).

City attorney  
and clerk.

*Twenty-third.* To elect and provide for the payment of the compensation of all city officers, servants, or agents not otherwise provided for by this charter.

*Twenty-fourth.* To establish rules to enforce a faithful and honest discharge of the official functions of all officers of the city, and to prescribe the penalty for their non-observance.

*Twenty-fifth.* To remove from office any member of the city council, or judge of the city court, or attorney, for willful or corrupt misconduct in office, or for willful failure and neglect to discharge the duties required of them, or either of them, and to remove at pleasure any other city officer, agent, or servant appointed or elected by the council; but in cases of impeachment, the party accused shall be notified of the charge or allegations against him at least ten days previous to the day of trial, and which charges or allegations shall be spread upon the records of the city council.

*Twenty-sixth.* To declare and announce by proper ordinance all vacancies in office arising from any cause whatever, and fill the same by the election of a suitable and eligible person, who shall take the appropriate oath of office, and when necessary execute the proper bonds, and enter upon and discharge all the duties of his office, until the expiration of the term for which he is appointed or elected.

*Twenty-seventh.* To make such rules, by-laws, and ordinances for the purpose of maintaining the peace, good government, and order of the city of Stanford, and for the interest of trade, commerce, and manufacturing industries, as the council may deem expedient and necessary, not repugnant to the Constitution of Kentucky, and to enforce the observance thereof by prescribing penalties and fines for the violation thereof; and to make all ordinances which shall be necessary and proper for the carrying into effect the powers vested by this act in the corporation, the city government, or any department or office thereof.

*Twenty-eighth.* To declare by ordinance what shall constitute peddling, and who are peddlers.

*Twenty-ninth.* To provide for the prevention and suppression of any riot, rout, breach of the peace, noise, disturbance, disorderly or unlawful assembly in the streets, houses, or other places in the city, or any violation of any city ordinance, and for the arrest, confinement in the work-house of said city or jail of Lincoln county, and to provide for the trial of the parties committing, engaging in, taking part in, or aiding or abetting the same. The city council shall have power to prescribe the penalty for any violation of the city laws or ordinances, provided it shall not exceed ninety days' imprisonment in the work-house or county jail, or fine not exceeding one hundred dollars, or both. All persons arrested in said city shall have a speedy trial; but if arrested after six o'clock P. M., may be confined by the officer making the arrest in the city work-house or county jail until the succeeding day; and in such cases the jailer of Lincoln county, or the warden of the work house, shall receive the party under arrest without an order of commitment, and safely keep him until he is released for trial. If the jailer or warden refuse to receive such prisoner when in custody of an officer, he shall be fined for such refusal not less than five dollars nor more than fifty dollars.

*Thirtieth.* To prevent and remove any and all encroachments and obstructions into or upon any street, alley, sidewalk, lane, avenue, or public square, established by this charter, or by ordinance; to regulate, modify, and change the grade and width of streets, alleys, lanes, avenues, sidewalks, pavements, and sewers, and to have and exercise complete and perfect control over same, and over all public squares or commons belonging to the city, or within the city limits, and over all property, real or personal, belonging to the city.

*Thirty-first.* To provide for the prevention of training or breaking of horses, of exhibiting stallions, jacks, or bulls in the public streets or places of the city, and to prevent and punish fast riding and driving in buggies, hacks, and all other vehicles within the city, and to regulate the speed of all railroad trains, locomotives, and cars within the city limits.

*Thirty-second.* To provide for the removal from the limits of the city, or for killing mischievous, vicious, and diseased animals, and for the punishment, by suitable fines and penal-

ties of the owner and keeper of such animals for allowing them to go at large, and to impose a tax on the owner of domestic animals running at large in the city.

*Thirty third.* To grant the right of way over the public streets or other public grounds of the city to any railroad companies for railroad purposes, for such time, in such manner, and on such conditions as may be agreed upon, and as to them may seem proper and to the best interests of the city.

*Thirty-fourth.* To suspend, either indefinitely or for a limited period of time, any license which the council may have granted to any person doing any business under a license in said city, whenever said council are satisfied that any such person, from any cause whatever, should forfeit said license: *Provided, however,* That no license shall be suspended until the party accused has had at least five days' previous notice in writing of the intention to suspend said license, and has had opportunity to show cause, if any he has, before the council, why said license shall not be suspended; and the council may prescribe by ordinance the penalty for any party for continuance of business whose license has been declared forfeited by, or who shall not have obtained a license from the city council.

*Thirty-fifth.* To order and compel the owner of any lot, piece or parcel of ground within the city, at his own expense and costs, to grade, pave, and construct side-walks, culverts, curbing, cutting, and otherwise improve that portion of such lot, piece, or parcel of ground which binds upon and adjoins any street, lane, avenue, alley, public road or public square in said city; and if any such owner shall fail and refuse for thirty days to obey said order, after being notified of same, which notice shall be by the delivery by the city marshal or by any sheriff or constable of the State of Kentucky and county of Lincoln, of a copy of said order attested by the clerk of the council to such owner; or if the owner be a non-resident of the county of Lincoln, the said notice shall be by the publication of said order for one month in any newspaper in said city. Then the said council may order the same to be done at the costs and expense of the city; and said city shall have a lien upon such lot, piece or parcel of ground for the money so expended, together with all costs and expenses, legal and extraordinary, attending the collection of the same, and may cause said lien to be enforced

in the same manner as is prescribed for the enforcement of mechanics' liens in chapter seventy of the General Statutes of Kentucky, and the Lincoln circuit court is given jurisdiction of such matters.

*Thirty-sixth.* To receive, alter, abolish, widen, straighten, extend, grade, pave, gravel, and otherwise clean and keep in repair, and to open and lay off new and additional streets, sidewalks, alleys, avenues, lanes, and public grounds in such manner as they may prescribe by ordinance; and whenever it may become necessary to procure property for any of the above purposes, or for other municipal purposes in said city, the city council may, by ordinance, provide for the purchase of any designated property; and the mayor shall tender to the owners of the property, if adults, the purchase money, and make the purchase, if accepted; but if the owner refuse to sell at such price, or if the owner be an infant, married woman, or non-resident of the State, or labor under any other disability, then the property may be condemned by writ *ad quod damnum*, in the name of the city of Stanford, against all owners or persons interested in said property, or any part thereof; said writ to issue and the proceedings thereunder to be had as prescribed in the succeeding section.

Ad quod damnum.

§ 16. The writ of *ad quod damnum* authorized herein shall be issued by the judge of the Stanford city court, or the judge of the Lincoln county court, when there is filed before him a statement by the attorney for the city of the purposes for which the land or property sought to be condemned is required, together with a copy of the survey of said land or property.

*First.* The said writ shall designate the land or property to be condemned, and may include that of several persons, and shall be directed to the marshal of Stanford or to the sheriff of Lincoln county.

*Second.* It shall direct him to hold an inquest by a jury of twelve impartial, discreet freeholders of the county or city, to ascertain the amount of damages each owner will sustain if it be condemned for the purpose asked.

*Third.* The officer to whom the writ is directed must, before executing the same, give the party whose land or property is required at least five days' notice of the time and place of holding the inquest, if in the county; and if not in the county, then to his agent; and if there be no known agent

in the county, then to the tenant; and if there be no tenant, then by public written notice for two weeks at the courthouse door in the city of Stanford shall be sufficient notice; but if the land or property required shall belong to infants or persons of unsound mind, in whole or in part, the officer shall notify the testamentary or statutory or natural or committee or guardian or next friend; and if none in the county, it shall be the duty of the court issuing the writ to appoint some responsible person to act for such infant or person of unsound mind, on whom the officer shall execute the notice in writing, whose duty it shall be to attend the inquest, and take care of the interests of the infant or person of unsound mind, and to traverse the finding of the jury if in his opinion it is to the interest of the person for whom he is appointed so to do.

*Fourth.* Besides challenges for interest or kinship, each party may challenge three jurors without a cause.

*Fifth.* The jurors shall be sworn truly and impartially to ascertain and determine by their inquest the amount of compensation each owner will be entitled to if his land or property, as named in the writ, is condemned.

*Sixth.* The inquest shall be signed by each juror, handed to the officer holding the inquest, and returned by him with the writ within three days to the court whence the writ is issued.

*Seventh.* If the jury cannot agree, or the requisite number do not meet on the day fixed, the officer may discharge it and summon another jury or other juries; and if, from any cause, the inquest cannot be held or completed on the day appointed by him, he may adjourn it, from time to time, until it is held and completed, without further notice than his proclamation made at the time.

*Eighth.* The jury, after being duly sworn by the officer holding the inquest, shall view the land and property of the owners, and shall allow the fair cash value of the same; also fair compensation for additional fencing which may be rendered necessary thereby; and also for all incidental or collateral damage which the said taking will produce to the other land of the owner; but for such incidental or collateral damages shall be deducted the amount in value of the benefits and advantages such other land will derive from the said condemnation and taking.

*Ninth.* If a person claiming damages has only a life-estate, or years, in same, and the remainder in fee belongs to another, the jury shall apportion the damages between them.

*Tenth.* The verdict of the jury shall be in substance as follows: "We, the jury, find that said ———, named in the writ herein, will sustain ——— dollars damages, in taking the required land or property for the purposes named, and we have taken into consideration, in making up our verdict, the fair cash value of the ——— proposed to be taken, in benefits and advantages to them, and the damages to be sustained by the construction or the erection of the ———."

§ 17. Either party may, within ten days after the finding of the inquest, file a traverse thereof with the clerk of the Lincoln circuit court; whereupon the case shall be docketed for the next term, and shall stand for trial at that term if it is ten days after the inquest, otherwise at the next term. It shall be tried by a jury of freeholders empaneled for that purpose. The party failing on the traverse shall pay the costs thereof, and the party traversing fails when the verdict traversed is not increased or diminished as his interest may require. The costs of the inquest up to the traverse shall be paid by the party asking the condemnation: *Provided, however,* That if the amount finally recovered be in no greater than the amount tendered before the application for the writ, then the said costs shall be paid by the owner or owners of the land or property. Either party may have the decision revised in the Court of Appeals. Appeal.

§ 18. No appeal or supersedeas or traverse on behalf of the owner of the land or property shall stay the judgment or stop proceedings thereunder except as provided herein.

§ 19. In all cases where a writ of *ad quod damnum* shall be issued, and a verdict found under this act, and the same be not traversed, the city (or its representative) may tender to the owner of the land or property, or pay into the court whence the writ issued, the amount of the verdict of the jury; and thereupon the said court shall make an order confirming the verdict, and such confirmation shall vest the right to the land or property in the city, and a writ of possession may issue any time therefor.

§ 20. When the finding of the jury is traversed by the owner of the land or the property, the city (or any one representing it) may file a bond in the clerk's office where the

traverse is pending, conditioned for the payment to the party entitled to the same of the final assessment of damages and costs in the case, said bond to be signed as vouchers of the city are now signed, and to be binding on the city, but not to be binding on the parties individually who may sign it as mayor or clerk of said city, and pledge the city's credit to its performance; and the clerk of said court shall not require any security on said bond; and upon the filing of same, it shall be lawful for said city to proceed with the work as though the damages were finally assessed and paid, and no action of trespass shall lie therefor.

§ 21. When the damages for the taking are settled on a traverse in the circuit court, the said court, upon a tender being made in court of the said damages, or payment or tender thereof to the owner, shall confirm the verdict of the jury, which confirmation shall vest the land or property required in the city, and a writ of possession may at any time issue therefor.

§ 22. If the damages assessed are not paid before the end of six months next ensuing the verdict (unless there is a traverse pending), the applicant shall be considered as having abandoned the prosecution of the writ, and all former proceedings shall be of no effect.

§ 23. Any person who shall hinder or attempt to prevent the use of any right or privilege derived from the condemnation shall pay the city damages and costs, and any additional amount not exceeding one thousand dollars; and any person who threatens so to hinder by violence may be brought before the city judge or county judge or justice of the peace, and be required to give bail in the penalty of one thousand dollars, with good security, to keep the peace, and be of good behavior for the next six months.

§ 24. The writ provided for herein shall be in substance as follows: The Commonwealth of Kentucky to the sheriff of Lincoln county, or the marshal of the city of Stanford, greeting: You are commanded to summon and empanel, on some day to be fixed by you, a jury of twelve freeholders not personally interested in the matter or related to the parties, and citizens of the State, to inquire what damages, if any, ——— will sustain by reason of the city of Stanford taking the ——— for the purpose of ———, considering the convenience and advantages the party will have by the ——— thereof,



and the damages the party will sustain by reason of the —, and that you will, in all things, execute this writ according to law, and make due return thereof within three days of the execution of it. Witness —, judge of — court, this — day of —, 18—

ARTICLE IV.

*Executive Department.*

§ 1. The city council shall select and appoint one of its members the mayor of the city of Stanford. Said mayor shall hold his office for two years, and until his successor is appointed and qualified. He shall be the chief executive officer of said city; he shall preside at all meetings of the city council, decide points of order, and shall have the power, during the session of said council, to enforce good order and decorum, and to punish contempts as presiding judges of the circuit court have given them by law. Mayor—term.  
Duties.

§ 2. He may require information, in writing, from all officers in the city, on subjects relating to their respective offices, and shall perform and discharge such duties as may be prescribed from time to time by ordinance, not inconsistent with this charter.

§ 3. He may call special meetings of the city council whenever, in his judgment, it may be deemed necessary or to the interest of the city.

§ 4. He shall have the care and superintendence of the public property of the city, unless the council shall, by ordinance, otherwise provide, and he shall see that the laws and ordinances of the city are duly enforced, and observed and faithfully executed.

§ 5. He shall be a conservator of the peace, and when deemed necessary by him to enforce the law and ordinances of the city, to save life or property, or to quell riots, routs, or breaches of the peace, he may summon into service any of the citizens of said city or Lincoln county, either civil or military; and in such cases he must be present and command in person, and the council may, by ordinance, prescribe suitable fines and penalties for disobedience of his order or summons.

§ 6. He shall give the casting vote whenever the city council may be equally divided upon any question or ordinance.

§ 7. He may, upon due investigation, and in the exercise of a sound discretion, remit any fine, penalty, or forfeiture incurred or imposed by or under any ordinance of the city, and may discharge from the work-house or jail any person therein confined for violation of such ordinance.

§ 8. In case of death, resignation, removal from office, inability or refusal to act, or temporary absence of the mayor, the members of the council shall elect one of their number as mayor *pro tem.*, who shall exercise the powers and discharge the duties of mayor until the disability be removed, or in case of permanent vacancy in said office, the city council shall select one of their number as mayor, who shall take the proper oath, and discharge all the duties of that office during the entire residue of the two years for which the preceding mayor was appointed to fill, and until his successor is duly selected and qualified. Should any councilman die, or his office become vacant by reason of his resignation, removal, or otherwise, the other members of the council shall select from the citizens of Stanford a person with all the qualifications of a councilman, as required by this charter, to fill the entire residue of the unexpired time, and until the next regular election shall be held in Stanford to elect all its councilmen.

§ 9. The mayor shall have the power to administer oaths.

#### ARTICLE V.

##### *Judicial Department—City Court and City Judge.*

City court,  
City judge.  
§ 1. The judicial power of the corporation shall be vested in and exercised by a court, to be styled "The Stanford City Court," which shall be held by a judge, to be styled "The Judge of the Stanford City Court," who shall be elected by the qualified voters of the city at the time of the general election for the city council, and shall hold his office for the term of two years, and until his successor is elected and qualified.

Jurisdiction.  
§ 2. Said court shall have exclusive jurisdiction of all misdemeanors under the laws and ordinances of the city, and shall have all necessary power to effectuate the jurisdiction herein given, and shall have the power to impose such fines and penalties as may be prescribed by the laws or ordinances of the city to the amount of twenty dollars without the intervention of a jury, and with the intervention of a jury, or

without it if it be waived by the party charged, to the amount of one hundred dollars. Should the person or persons thus fined fail to pay or replevy the same with costs, by executing bond with surety, payable three months after date to the judge of the city court for the use and benefit of the city of Stanford, and said bond, when accepted and approved by the judge of said court, shall have the force and effect of a judgment, and if not paid at maturity, execution may issue thereon. Said court shall have power to imprison such person or persons in the county jail of Lincoln county, or the city work house, and may cause them to work out such fine in the work-house, or in any other designated place in the city limits. Said work shall be done under the direction or supervision of the jailer, warden of the city work-house, or city marshal, as directed by the court; and the imprisonment or labor thus imposed shall not exceed one day for each dollar of the fine. Upon a judgment in the name of the Commonwealth of Kentucky, the city of Stanford, or for the use and benefit of either, a *capias pro fine*, or any other final process, may issue from time to time, until the judgment is satisfied. The officer to whom such writ is issued may take bond, payable to the plaintiff in the writ, which bond shall be due in three months, and returned to the Stanford city court; and if not paid at maturity, execution may issue on same. Said court shall also have the power and jurisdiction of an examining court of Lincoln county, and shall, at such court, have the power and perform the duties of two justices of the peace; may take recognizances and bail bonds for appearance in said court; and also recognizances and bail bonds in cases of felony and misdemeanors, which shall be for an appearance in the circuit court, or in any court of competent jurisdiction in said county; and to hear all complaints of breaches of the peace, and require surety to keep the same; and for violation of the penal laws of the State to impose such fines, penalties, and punishment as may now or hereafter be prescribed by the State laws, and the manner of procedure in such court shall be the same as the procedure in justices' courts in similar cases. Said court shall have concurrent jurisdiction with justices of the peace in cases of disturbing religious worship, riots, disorderly conduct, unlawful assemblies, breaches of the peace, and in all other cases within the jurisdiction of justices

## Appeals.

of the peace as now or hereafter given by general law. Appeals from said court in criminal cases shall be governed by the laws and regulations in appeals in like cases from justices' courts.

§ 3. Said court shall have concurrent original jurisdiction in all matters, both in law and equity, within the limits of Lincoln county, with justices of the peace, in all actions and proceedings for the recovery of money on personal property when the matter of controversy is over fifty dollars in value, but does not exceed one hundred dollars in value, exclusive of interests and costs; and the jurisdiction herein conferred shall attach without the consent of the defendant in writing or otherwise.

§ 4. If in any action in the city court, except as herein provided, it shall appear during the pendency thereof that the title of real property is involved in the controversy, it shall be the duty of the court, on the motion of either party to the action, to make an order transferring it to the circuit court of the county, and to deliver the original paper and certified copies of all orders made in the action to the clerk of the circuit court, who shall docket the same, and on which the same proceedings shall be had as though the action had originally been brought in that court; but if a judgment be rendered by the city court, the title to real estate involved therein shall not be affected thereby.

§ 5. Said city court shall have jurisdiction within Lincoln county concurrent with justices' courts of motions against constables and their sureties, and against any officer of the city of Stanford and his sureties, or any of them, or the personal representatives of any one of them, jointly with the survivors, for any money collected by them, or any of them, or any execution, order of sale, or fee-bill, or note, or account, or any other claim, put in their hands for collection, and which, on demand, they shall neglect or refuse to pay, and also to issue and try warrants of forcible entry and detainer.

§ 6. The city court shall be holden at such place within the city as the city council may designate, or they failing to designate and provide a suitable place, at such place as the judge may select.

§ 7. All proceedings in, and processes from the city court, in criminal and penal cases, where fines are imposed under the State laws, shall be in the name of the Commonwealth of

Kentucky, and all other proceedings and processes shall be in the name of the city of Stanford. The processes shall be made returnable to the city court, and may be directed to the marshal of the city, or to any peace officer of the Commonwealth; and the officer executing the process of said court shall be entitled to like fees for like services, and the same remedy for the collection thereof as sheriffs of the State, and shall be subject to like fines and penalties for like offenses and failures. Process in civil cases, returnable to the city court, may be directed to any officer of Lincoln county authorized to execute civil process, and may be executed by an officer or person to whom it might have been directed. But no process, returnable to the city court, in civil cases, can be executed by the city marshal, except within the corporate limits of the city; and within said city's limits the city marshal may, and is authorized, to serve any civil process or writ issued from and returnable to said city court.

§ 8. Any party to suit pending in the city court may have a change of venue to any court of competent jurisdiction in Lincoln county upon making oath that he believes he cannot have a fair trial in said city court.

§ 9. The pleadings, practice, and mode of procedure in said city court shall be governed by the Kentucky Codes of Practice in civil and criminal cases.

§ 10. The Stanford city court shall be a court of record, and the records thereof, or certified copies of the same over the signature of the judge of said court shall be evidence in any court of this Commonwealth.

§ 11. All fines and forfeitures recovered in the Stanford city court in the name of the Commonwealth of Kentucky and in the name of the city of Stanford, and all fines and forfeitures recovered before any justice of the peace holding this court in the city of Stanford, are hereby granted to the city of Stanford. And said fines, when collected, shall be paid over to the city treasurer of the city of Stanford.

§ 12. A return of no property, on a writ of *feri facias* issued on any judgment in the city court, shall authorize an attachment out of equity in favor of the Commonwealth or of the city of Stanford, or any plaintiff against the chose in action or effects of the defendant, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in circuit courts.

§ 13. Appeals and writs of error shall lie from the decisions and judgments of the city court to the circuit court of Lincoln county in all civil cases where the amount in controversy, exclusive of interests and costs, is twenty-five dollars and over; and in criminal cases as is now and may hereafter be regulated by law.

§ 14. The Stanford city court, so far as it is a police court and court of inquiry, shall always be open for hearing and determining such cases as a single judge by the Constitution and law of this State may hear and determine without the intervention of a grand or petit jury; and such court may make such rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties, and a prompt administration of justice.

§ 15. No person shall be eligible to the office of judge of the city court, unless he be a male citizen of the city, at least twenty-one years of age, and has resided as a bona fide resident in the limits of the city at least one year next preceding his election, and possesses such other qualifications as are required for county judges.

§ 16. Whenever a vacancy shall occur in said office it shall be filled by appointment by the city council until the next regular election for city council is held, and until his successor is elected and qualified.

Commission.

Oath.

§ 17. Before he enters upon his duties the city judge shall receive from the Governor of Kentucky a commission as such, which shall be granted to him upon his furnishing a certificate of election from the officers of election, and thereupon he shall, before the county judge, take the oath prescribed by this charter, and such other oaths as are prescribed for civil officers by the Constitution and laws of Kentucky, which oaths shall be indorsed on the said commission by the county judge, and which commission, with its said indorsements, shall be recorded in the clerk's office of the Lincoln county court.

§ 18. The judge of the city court shall be a conservator of the peace, and may issue warrants of arrest for all offenses against the laws of the State or ordinances of the city, and for those committed within his presence may order arrest without warrant, the person offending to be dealt with according to laws of the State or ordinances of the city.

§ 19 The judge shall have power to fix the time of holding his court as in his discretion the business before him may require, but the regular terms of said court, unless changed by the city judge upon reasonable notice, shall be held on the first Saturday in each month of the year, and may continue from day to day until the business thereof shall have been disposed of.

§ 20. He shall have power and authority to grant injunction attachments, restraining orders, writs of *ne exeat* and *habeas corpus*, and to issue warrants in civil and criminal cases, under the same rules and regulations prescribed by law authorizing justices of the peace or the county judge to grant and issue. He shall have the power and authority to fine and imprison for contempt, provided the fine shall not exceed five dollars and the imprisonment eight hours. He shall have a jury to try all matters before him, if desired by either party when the amount in controversy, exclusive of interests and costs, does not exceed — dollars.

§ 21. The city judge shall act as clerk of his own court and issue all process returnable thereto; but may appoint a deputy clerk. He shall keep a docket, order-book, and execution-book, and such other books as may be necessary.

*First.* All necessary books shall be furnished by the city council.

*Second.* The court must by rule fix a monthly return day of executions and other rules to govern its proceedings.

*Third.* When the jurisdiction in the city court is concurrent with circuit court, a tax of fifty cents shall be paid to the city judge for the purpose, and under the same conditions as when such taxes are paid to clerks of city courts, and the same rules which govern clerks of circuit courts in the taxation of an attorney's fee shall apply to the city judge.

§ 22. The law governing the election of a special judge of a circuit court shall, as to the causes thereof, and mode of election, apply to the election of a special judge of the city court, who shall possess the qualifications of the city judge.

§ 23. The city judge shall, annually, at the May term of the city court, appoint a board of three supervisors of the assessor's book, and in case they refuse to act, then he shall, at any time thereafter, appoint others in their place. Supervisors.

§ 24. The judge of the city court is hereby given all the power and authority, rights and privileges, heretofore vested

in the Stanford police judge; and the present incumbent of the latter office is hereby made the judge of the Stanford city court, and vested with the name, together with all the power, authority, rights, and privileges conferred on the city judge herein, and shall continue in office until the expiration of the term for which he was elected; and the name of the Stanford police court is hereby changed to that of the Stanford city court; but said change shall in nowise affect any proceeding instituted in, or process issued from, or any act or thing done in or with reference to the said police court.

§ 25. On the first Saturday in April, 1882, at the election for the city council, a city judge shall be elected by the legally qualified voters of the city of Stanford; but such judge shall not qualify until the expiration of the term of office of the present police judge. And every two years thereafter, and on the first Saturday in April, an election shall be held by the legally qualified voters of the city of Stanford for the election of a city judge to fill said office, and said elections will be held at the same time and by the same officers that hold the elections for city council.

#### ARTICLE VI.

##### *Executive and Ministerial Officers—City Attorney.*

City attorney. § 1. No person shall be eligible to the office of city attorney who is not a qualified voter of said city, and has not been a continuous and bona fide resident thereof for at least two years next preceding his election; and unless he has been a regularly practicing attorney for one year next preceding his election.

*First.* It shall be the duty of the city attorney to give legal advice to the city council when called upon, and be present at the meetings thereof; to prosecute all persons in the city court charged with a violation of the laws, ordinances, or by-laws of the city; to attend to all of their civil litigation; to institute suits or proceedings for the enforcement of the forfeiture of recognizance and bail bonds in the city court; and the enforcement of all judgments against offenders; and for his services shall be paid as hereinafter provided.

*Second.* He shall hold his term of office for two years, and until his successor is appointed and qualified.

Term. § 2. No person shall be eligible to the office of city marshal, collector, treasurer, or assessor, who is not at the time



of his election or appointment a qualified voter of the city, and has not had a settlement with the city, and obtained proper vouchers or a quietus.

§ 3. The city clerk, before he enters upon the duties of his office, may be required to execute a covenant to the city of Stanford, with good security, to be approved by the council, conditioned for the prompt payment to the proper authorities of any moneys collected by him as said clerk, and for the faithful performance of his duties as clerk. Clerk—duties

*First.* It shall be his duty to make and keep a full and complete record of the acts and doings of the city council in a book kept for that purpose; and each law, regulation, or ordinance passed by said council shall be spread at large by him on said record, and he shall furnish a copy thereof for publication whenever required to do so by the council.

*Second.* It shall be the further duty of said clerk to make and deliver a copy of the assessor's books as soon as practicable to the marshal or collector of taxes of said city, and take his receipt for the same.

*Third.* It shall be his duty to issue such licenses as are authorized by this act and the city ordinances, and collect the price therefor in all cases before issuing the same, which he shall pay over, together with any other moneys collected by him, to the treasurer of the city, and report the same to the city council at its next meeting.

*Fourth.* The clerk, at the end of each fiscal year, shall make a public expose of the financial condition of the city, and therein exhibit the receipts and expenditures for the last fiscal year.

*Fifth.* Upon the resignation, removal, or the expiration of his term of office, he shall, upon application, deliver to his successor, or such person as the council may direct, all books, papers, and records belonging to his office, and all furniture or property belonging to the city, and upon failure so to do, he shall be subject to the same fines and penalties prescribed by law for clerks of this Commonwealth.

§ 4. The city marshal shall be elected by the city council, and hold his office for the term of two years, and until his successor is elected and qualified. Marshal—term.

*First.* He shall, before entering upon the duties of his office, execute bond, with security, payable to the city of Stanford, and approved by the city council, conditioned that

he will well and faithfully perform the duties of his office, and will pay over and account for all money collected by him upon executions, *capias pro fines*, or otherwise, as marshal, under the penalties and conditions of bonds given by constables for the performance of their duties; and before entering upon the duties of his office he shall take the oaths herein prescribed; and in addition to the bond named, he shall execute bond for the faithful discharge of his duties in the collection of the taxes and revenue of said city, and pay over the same to the proper person; and in all things relating thereto shall be governed by the city council.

**Deputy marshal.** *Second.* The city marshal shall appoint his own deputies, and may revoke the appointment at pleasure, and shall be responsible upon his official covenant for their acts. Before any deputy marshal shall proceed to act, he shall take the oath required to be taken by the marshal.

*Third.* It shall be the duty of the marshal to serve all notices, precepts, process, and other things to him directed, in penal and criminal cases, out of any court in this Commonwealth, and make due return thereof; and he shall execute and serve any warrant, process, precept, writ, and other things to him directed from the Stanford city court, when they can be executed in the city limits; and he shall have the same power to serve the aforesaid precepts, process, writs, &c., as constables now have under the laws of this State. He shall within the limits of the city, in all matters of a penal or criminal nature arising under the ordinance of the city, or under the laws of this Commonwealth, possess the same powers, and perform the same duties as sheriffs and constables.

*Fourth.* It shall be the duty of the marshal to examine all the streets, alleys, and public places in said city, from time to time, and report all needed improvements and repairs to the mayor, and have said improvements and repairs done, under the advice and control of the city council; to keep the streets of said city clean; to suppress all nuisances; to cause all dead animals found in the public thoroughfares to be removed or buried; to be constantly on the streets of said city to prevent all offenses against the laws, and to arrest offenders, and he may have the power of the city and county to assist him in the performance of his duties; and any one failing and refusing to assist him, when summoned to do so, shall be

fined not less than five dollars nor more than thirty dollars, or imprisoned not more than ten days, or both; and he shall perform these and all other duties, and execute all orders, process, notices, and other things as said council may, by ordinance, prescribe. He shall collect the taxes as herein provided, and receive and enter on the tax-book the list of any person omitted by the assessor or board of supervisors, and the marshal or his deputies may be removed by the city council at any time upon failure to perform any of his duties.

*Fifth.* The city council may at any time demand the tax-book of the city marshal, by giving him ten days' notice of such demand, and may appoint a collector of taxes in his stead, who shall take such oath and give such bonds as may be required of him by the council.

§ 5. The city treasurer, before entering upon the duties of his office, shall execute covenant, with surety, to the city of Stanford, to be approved by the city council, conditioned for the faithful discharge of his duties as such, and the surety on such bond shall be good for the amount of public money which will come to his hands during his term of office.

City treasurer—  
bond.

*First.* He shall be the custodian of the city funds, and shall keep a true and faithful itemized account of all money received and paid out by him, and shall render an account of the same to the city council at the expiration of each fiscal year, and at such other times as the council may direct.

*Second.* The treasurer, upon the expiration of his term of office, or upon his resignation or removal, shall deliver to his successor, or to such person as the council may direct, all the public money, books, property, or effects under his control belonging to the city of Stanford.

*Third.* The city council may at any time require the treasurer to execute a new bond, or give additional security; and upon his failure to do so, the office may, by ordinance of the council, be declared vacated.

§ 7. All money of the city raised, collected, or received by means of taxes, licenses, penalties, or otherwise, shall be paid into the treasury, and the same shall be done by all officers, even when the city may be owing them; and no money shall be drawn therefrom, except by the authority of the city council, upon an order signed by the mayor and countersigned by the city clerk.

Assessor.

§ 8. The assessor for the city of Stanford, in addition to the oaths herein prescribed, shall take such oath and give such bond to the city, and administer such oath to the person listed for taxation, as assessors are required by law to take, give, and administer; and shall be controlled, as far as the same are applicable, by the laws of the State prescribing the duties of county assessors, and by such regulations as may be prescribed by ordinance of the city council.

Supervisors.

§ 9. The board of supervisors shall consist of three members, who shall enter upon the discharge of their duties upon their appointment, and shall be discharged upon the completion of their duties. Any member of said board may swear any witness examined before it. It shall be the duty of said board to examine, with care, the assessor's books, and to correct any errors of the assessor, whether in fact or in relation to the valuation of the property listed; and in case where they shall be of opinion that any of the property has not been correctly valued, to fix a proper value on the same; and the said board shall have power to compel the attendance of witnesses before them. The board, during its sessions, may receive the tax-list of any person omitted by the assessor, and enter the same upon the assessor's book. They shall annex their certificate that they have examined, corrected, and approved the assessor's book, and leave it with the clerk of the city council. The said board shall in no case increase the valuation of any property fixed by the assessor until the owner thereof shall have had due notice to show cause why it shall not be increased.

## ARTICLE VII.

*Elections and Terms of Office.*

§ 1. The city council may provide one or more voting places in the city, when it may be deemed necessary, and prescribe the limits of such voting place or places, within which persons shall be residents to be entitled to vote at such place or places; but no election polls shall be held in any coffee-house, or other establishment, within which spirituous, vinous, or malt liquors of any kind are kept or sold.

Elections.

§ 2. The city judge shall, before every city election, appoint suitable persons as officers of the election—two persons as judges, one as sheriff, and one as clerk of the election. Officers of all city elections shall be governed in all matters, not inconsistent with this charter, and be liable to the penal-

ties imposed by the laws of this Commonwealth governing elections of State officers.

§ 3. All elections under this charter, by the qualified voters Voters. of the city, shall be *viva voce*, and shall be held between the hours of six o'clock in the morning and seven o'clock in the evening.

§ 4. All laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the city of Stanford for all city officers, subject to all the provisions of this charter touching the qualification of the voter.

§ 5. The city council shall judge of the qualifications, elections, and returns of its members, and cases of contested elections for any city officer shall be heard and determined by the council, under such rules as may be prescribed by ordinance.

§ 6. The poll-books of all elections in the city shall be returned by the clerk of the election to the clerk of the city, who shall keep them on file and issue certificates to the officers elected.

§ 7. The first general election under this charter shall be held on the first Saturday in April, 1882, at which time there shall be elected, by the qualified voters, the city council and city judge. The councilmen, at the first session of the city council succeeding their election, shall appoint a city attorney, city marshal, and any other officers herein provided for.

§ 8. The several officers now holding offices in the city of Stanford shall continue to hold their respective offices until the terms for which they were elected or appointed shall have expired, and their successors are duly elected and qualified as provided for herein. In the discharge of the duties of their offices the present officers shall be governed by the provisions of this charter from and after the day on which it goes into effect.

§ 9. No person shall be entitled to vote at any city election Voters. who is not a male citizen of the United States and twenty-one years of age, and a legal voter under the laws of Kentucky, and who has not resided one year in said city next preceding the election at which he offers to vote, and who has not paid his poll-tax to the city for the preceding year; which payment, upon being questioned, must be satisfactorily shown.

## ARTICLE VIII.

*Revenue and Taxation.*

§ 1. An annual tax of not exceeding twenty-five cents upon  
Ad valorem tax. each one hundred dollars in value of the real and personal estate directed to be assessed for taxation, due and payable the fiscal year assessed, shall be paid by the owner or person assessed in said city.

§ 2. An annual poll-tax of one dollar shall be levied and  
Poll tax collected of each male inhabitant of said city over twenty-one years of age.

§ 3. The city council shall have a lien for all tax levied  
Lien. under this charter on the property assessed, and on the other property of each person, which shall not be defeated by gift, sale, alienation, or any means whatever.

§ 4. All property not exempt from taxation under the general laws of this State shall be subject to taxation as herein mentioned, for city purposes.

§ 5. At the first regular or special meeting of the city council after the assessor has returned his tax-book, and it shall have been examined and approved by the board of supervisors, or as soon thereafter as practicable, said council shall fix the rate of taxation for that fiscal year, and deliver the said book to the clerk of said council.

§ 6. All taxes hereafter levied by the city council shall be due and payable at the place and to the person appointed collector of taxes on the first day of July of each year. If not paid on or before the first day of September following, ten per cent. thereof shall be added as damages, and collected the same as the taxes. Said damages are for the benefit of the city, and not the collector of taxes. The lien herein given for the taxes shall apply in the same manner to the damages assessed.

§ 7. After the first day of September in each year it shall be the duty of the marshal or tax collector to immediately levy all uncollected taxes on the property of those owing the same, and to proceed to enforce the lien aforesaid. After making said levy, the marshal or tax collector shall advertise for at least fifteen days, by written or printed notices, the time and place of sale of said property, as in sales of like property under execution. Said lien shall be first enforced on the personal property of the delinquent; and if the same shall not be sufficient to satisfy said taxes, with the damages

and costs of sale, then it shall be enforced on the real property of the delinquent. The purchaser of any personal property at any tax sale shall have the full legal title and possession thereof immediately on complying with the terms of the sale. All sales for taxes provided for herein shall be for cash. In selling real property for taxes, the marshal or tax collector shall sell the least quantity thereof that will be sufficient to pay the amount of taxes, with damages and costs. If necessary, from want of bidders, or for any other cause, he may sell the whole of the property levied on; and if no one will bid the full amount of taxes, damages, and costs due, then the marshal or tax collector shall bid the same in for the city of Stanford, and it shall have the same title to said property so purchased that a private purchaser would have. After making a sale of realty, the marshal or tax collector shall give the purchaser his certificate of sale, which shall contain a description of the property sold, with the price and time of sale. The certificate shall be recorded in the Lincoln county clerk's office within sixty days after the sale.

§ 8. The owner of any real estate so sold, or his agent, or his personal representative, shall have the right to redeem the same at any time, within two years from the day of sale, by paying to the purchaser thereof, or to the county clerk, the amount for which said property was sold, with twenty-five per cent. damages thereon, and all costs thereon, and all taxes paid by the purchaser after his purchase, and interest on the whole of said sums, at the rate of ten per cent. per annum from the day of sale. When payments shall have been so made, as provided herein, the purchaser, or the county clerk, shall enter in the record-book, on the margin thereof, next to the certificate, the fact of such payment, and such entry shall be a full release of any lien or incumbrance by reason thereof.

§ 9. If the property sold for taxes is not redeemed in the time and manner herein required, it shall then be the duty of the city attorney to prepare, and the marshal in office to execute, a deed therefor to the purchaser, which shall convey the full and perfect legal and equitable title thereto.

§ 10. Nothing herein shall be construed to prevent the marshal or tax collector from levying the taxes at any time after the tax-books come to his hands; and he shall have the same right and power to garnishee for taxes that sheriffs

have, and in such matters, he shall proceed in the same manner as sheriffs are required to proceed, except in this: the proceedings shall be before the Stanford city court, and said court is given jurisdiction of same.

§ 11. The marshal or tax collector shall make a report, in writing, to the county clerk, signed by the one making the sale, within twenty days after a sale of real estate as provided herein, showing where the sale was made, and to whom, and for what price, and giving a description of the land sold as fully as he is able to do, which report shall be recorded by the county clerk. The fees for recording same are to be paid by the city of Stanford, and taxed as a part of the costs of the sale.

§ 12. Any minor, married woman, or other person laboring under disability, shall have one year after the removal of the disability, in which to make the redemption provided for herein; but the committee or next friend of a person of unsound mind, shall be allowed only five years from the day of sale, or two years after notice in writing by the purchaser, to redeem the same, though the disability shall continue longer. The notice aforesaid shall be returned by the officer executing it, or the person giving it to the county clerk, who shall record and index the same, with the return thereof, in the proper record-book in his office.

§ 13. No lands within the city limits of Stanford shall be subject to city tax for any purpose, unless the same be laid off into town or building lots, or shall be improved with buildings thereon; but the residences, gardens, and yards thereto attached, of all persons included in said boundary shall be subject to taxation: *Provided*, That if said residences, yards, and gardens contain more than two acres, and are attached to and form a part of the farm of the owner or owners, then not more than two acres, including the residence, shall be subject to city tax; nor shall any live stock kept for grazing, breeding from, and cultivating farming lands within the limits of said city, be taxed.

#### ARTICLE IX.

##### *Fees.*

§ 1. The city judge of Stanford shall be entitled to the following fees, viz: For presiding at the trial and for all other services rendered in any case of a breach or violation of the

City judge—fees.



city ordinance or by-law, to be only against the defendant and paid by him, if found guilty, three dollars; and for all other services rendered in any case when the prosecution is concurrent with circuit courts, he shall be entitled to charge and receive the same fees allowed by law to clerks of circuit courts for similar services; and when his jurisdiction is concurrent with justices of the peace, he shall charge and receive the same fees that justices of the peace are entitled by law to receive.

*City Attorney.*

§ 2. The city attorney shall receive such compensation for his services as the city council may allow him. Compensation.

*City Marshal.*

§ 3. The city marshal, in addition to what may be allowed him by the city council for *ex officio* services, which shall not exceed four hundred dollars per annum, shall be entitled to receive the same fees in matters of a criminal nature as are allowed by law to constables for similar services, except he shall be allowed one dollar, to be taxed as costs, for making arrests for violation of city ordinances; and for his services in civil cases the same fees as are allowed by law to constables for similar services; and in sales of property for taxes by him, or the collector, the same as sheriffs are entitled for similar services; and for the collection of city taxes a commission on the amount collected, to be agreed on by the city council. Compensation.

*City Collector.*

§ 4. The city collector's fees shall be such as may be allowed by ordinance of the city council. Fees.

*Board of Supervisors.*

§ 5. The members of the board of supervisors shall be entitled to receive for their services, while actually engaged, an amount not to exceed one dollar and fifty cents for each day they serve, to be allowed by the city council. Compensation.

*City Treasurer.*

§ 6. The city treasurer may receive such compensation as the city council may allow him. Compensation.

*City Clerk.*

Compensation. § 7. The city clerk shall receive such compensation as clerk as the city council may allow him, not to exceed fifty dollars per annum.

§ 8. All officers of said city shall be entitled to receive such other fees not provided for herein as are allowed for similar services under the State laws.

## ARTICLE X.

*Miscellaneous Provisions.*

§ 1. All general laws relating to towns and cities, and not inconsistent with the provisions of this charter, shall apply to the city of Stanford.

§ 2. Any officer authorized in this act to execute any process requiring or allowing bail shall have the authority to take the bail.

§ 3 The marshal, clerk, and treasurer of said city are prohibited from buying, discounting, or dealing in any way in vouchers or claims against the city, under a penalty of ten dollars for each offense.

§ 4. The term of office of all officers elected by the qualified voters of the city shall begin on the first Thursday in April after their election, and they shall enter upon the discharge of their duties after the commencement of their term as soon as they are qualified. The term of office of all officers elected or appointed by the city council shall commence upon their said election or appointment, and they shall enter upon the discharge of their duties, after the commencement of their term, as soon thereafter as they are qualified so to do under the provisions of this charter.

§ 5. This charter shall go into effect and be in full force as a law on and after its passage, and thereafter be the charter of the city of Stanford. All acts heretofore enacted coming in conflict with this act, or any provision thereof, are hereby repealed.

Approved March 18, 1882.

## CHAPTER 461.

AN ACT creating a new charter for the city of Owensboro.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

*City Limits.*

§ 1. That so much of the county of Daviess as includes and embraces the whole of the territory now included within the boundaries of the city of Owensboro, agreeable to its present limits, viz: Beginning on the Ohio river, where the street between Shelby and N. B. Allen comes to the river; thence south along the west line of said street in a straight line to the road that leads to Monach's distillery; thence down that road to the line between Morton's and A. Moreland's; thence south along said line to the Henderson road; thence up the north margin of said road to the junction of Walnut and McFarland streets; thence south along the east side of the avenue or road leading out to Ray's to the division line between Thomas Higgins and James Weir; thence east along that line and continuing in that direction to the Hartford road; thence across the same, continuing the same course one hundred and fifty yards; thence towards the Ohio river parallel with the Hartford road to the Litchfield road; thence east with the course of said road to the old Litchfield road; thence down the same on the west margin to the river, and extending across the Ohio river, opposite and in front of said city, as far as the jurisdiction of the State of Kentucky extends; and the persons residing within said boundaries, and also the territory embraced therein, are hereby declared to be a body-politic and corporate, with powers to govern themselves by such ordinances, by-laws, and rules for municipal purposes as they may deem proper, under the corporate name and style of the city of Owensboro; and shall have power to contract and be contracted with, sue and be sued, defend and be defended, in all courts, as a natural person; to acquire property for municipal purposes, by purchase or otherwise, to hold same, and all other property belonging to said city, and use, manage, improve, sell and convey, rent or lease same; and may have a common seal, and change it at pleasure.

*Wards.*

Wards.

§ 2. Said city is hereby divided into two wards, as follows, to-wit: The first ward shall include all that part which lies above Allen street, and the second ward shall include all that part which lies below Allen street; and the mayor and council are hereby authorized to change the number and boundaries of said wards as the public convenience shall require, always endeavoring to equalize, as nearly as may be, the population thereof respectively.

*Distribution of Powers.*

§ 3. The corporate powers of the city of Owensboro shall be divided into three distinct separate departments, viz: legislative, executive, and judicial; and no person or officer of one of the said departments shall exercise any power properly belonging to either of the others, except as hereinafter expressly permitted.

*Legislative Department.*

Mayor and council.

§ 4. The legislative powers of the city of Owensboro shall be vested in a mayor and board of councilmen, selected from the several wards of said city, as hereinafter provided, which shall be styled the common council of the city of Owensboro.

Qualifications.

§ 5. No person shall be eligible as councilman of said city, who, at the time of his election, is not a citizen of the United States, and attained the age of twenty-four years, and resided within the corporate limits of said city for two years next preceding his election, and who is not a bona fide resident of the ward for which he may be chosen, and be the legal owner of real estate in the city of Owensboro, and who cannot, at the time of his election, read and write intelligibly, or who is interested, directly or indirectly, in any contract with said city, the terms, rates, or prices thereof being subject to modification or enforcement by said council; and no person shall be eligible who is indebted to said city for tax or otherwise; and no collector or keeper of city funds shall be eligible until he shall have settled with the city, and obtained a discharge in full.

§ 6. If, after election, any member of the common council shall change his residence, and remove from the ward for which he was chosen, or do any other act or thing which

would have rendered him ineligible, his seat as member of said council shall be thereby vacated, and the vacancy so caused shall be ascertained by a resolution of the council declaring the fact, after said councilman shall have had ten days' notice from the city attorney of the intended proceeding.

§ 7. Stockholders in corporations may be eligible to the office of councilman, but they shall not vote on any question directly or indirectly affecting such corporation or any right or duty under same.

§ 8. Representation shall be as nearly equal and uniform as may be, and regulated by the number of qualified voters; and the common council may increase the number of wards as the interests of the city may, in their opinion, require, laying them off as nearly equal in qualified votes as may be. But whenever the wards of the city are increased, as provided for in this section, to the number of three or more, there shall then be two councilmen elected from each ward, instead of three, as now provided for in this charter.

§ 9. The members of the common council and the mayor shall be elected by the qualified voters of each ward respectively, and shall serve two years, except, however, that at the annual election to be held on first Monday in April, 1882, of the three councilmen then elected from each ward, one from the upper ward and two from the lower ward shall hold their offices until the first Monday in December, 1883, and until their successors are elected and qualified; and the mayor and two councilmen from the upper ward, and one councilman from the lower ward, shall hold their offices until the first Monday in December, 1884, and until their successors are elected and qualified. On the said first Monday in December, 1883, and of that date on each year thereafter, the general election shall be held for the election of councilmen and other officers, whose term shall then expire; and of the councilmen so elected from each ward on the first Monday in April, 1882, they shall, within two weeks after their qualification as councilmen, determine by lot which shall hold for the long and which of them for the short term; and when a third or more wards are added, there shall only be two councilmen elected from such additional ward or wards, and thereafter the representation shall only be two councilmen to each ward in said city.

§ 10. The common council shall have control of the finances and all property, real and personal, belonging to the city, and shall have full power to make, publish, amend, and repeal all ordinances for the following purposes, to-wit :

*First.* To restrain and prohibit all kinds of gaming, and every kind of immoral or fraudulent practice in said city.

*Second.* To restrain and prohibit the selling of any spirituous, vinous, or malt liquors by any person, unless licensed so to do by authority of said city.

*Third.* To punish and prevent drunkenness, disorderly conduct, breaches of the peace, public indecency, disorderly assemblies, and carrying concealed deadly weapons.

*Fourth.* To suppress or restrain disorderly houses of all kinds, houses of ill-fame, gaming houses, and gaming tables, and the destruction of gaming instruments.

*Fifth.* To direct the location of all powder-houses, slaughter-houses, soap factories, distilleries, tanneries, tallow chandlaries, and all other houses or business, the prosecution of which may affect the health or comfort of the inhabitants of said city ; and if deemed necessary, to prohibit the erection or continuance of any such house or houses, shops or trades, within the limits of said city.

*Sixth.* To prevent horse-racing and immoderate riding or driving in the streets, and to prohibit any person or persons having charge of horses or mules from leaving them unhitched or fastened when in gear or harness, and attached to any vehicle in the city.

*Seventh.* To prevent or regulate the encumbering of streets, alleys, sidewalks, wharves, landings, market-places, public grounds, and buildings with any vehicles, material or substance, and to prohibit persons from trespassing on or injuring public grounds, buildings, or property, or riding upon or driving across the sidewalks, or in any manner injuring the same.

*Eighth.* To regulate or prohibit bathing in the Ohio river opposite said city or within the city limits.

*Ninth.* To restrain and punish vagrants, street beggars, common prostitutes, and common gamblers in said city.

*Tenth.* To regulate and prohibit the running at large horses, cattle, hogs, and other animals in the city, and to authorize the distraining, impounding, and sale of same for the penalty imposed therefor and costs of proceeding. And to

regulate the running at large of dogs, and to authorize killing of same when at large contrary to the ordinance of said city.

*Eleventh.* To prohibit the flying of kites, shooting or using fire-arms or fire crackers, or unnecessarily using any other thing of a tendency to annoy or endanger person or property in said city, or to frighten teams or animals of any kind within the city.

*Twelfth.* To compel all persons to keep the snow and ice, dirt and trash of all kinds off their sidewalks, and to clean the gutters in front of, and the gutters and alleys in rear of the premises owned or occupied by them, and to provide for the removal of all garbage.

*Thirteenth.* To prevent all disorderly conduct in blowing of horns, ringing of bells, crying of goods or other things, and all unnecessary noises to the disturbance of the citizens.

*Fourteenth.* To abate and remove nuisances, to declare what shall be deemed a nuisance, and punishing by suitable penalties the person or persons causing or continuing the same, or suffering the same to remain on his, her, or their premises, or both abate and punish at discretion; and for the purpose of declaring what shall be deemed nuisances and abating the same, or causing and compelling same to be abated and punishing persons for causing, continuing, or suffering the same as aforesaid, the common council shall have jurisdiction over both land and water one half mile beyond the limits of the city in all directions: *Provided*, The same be not beyond the limits of the boundary and jurisdiction of the State of Kentucky.

*Fifteenth.* To regulate and license drays, wagons, carts, hacks, omnibuses, carriages, and vehicles of all descriptions which may be kept in said city to be hired or used for hire or reward.

*Sixteenth.* To ascertain by survey, and mark and establish the boundaries and limits of said city, and all enlargements and additions thereof, and of the streets, alleys, lots, and blocks therein.

*Seventeenth.* To regulate the burial of the dead, and to prohibit the same within the limits of the city, and to provide common burying-grounds, hearses, and other things necessary to burial; to appoint one or more sections, and to prescribe his or their duties.

*Eighteenth.* To provide for the keeping of bills of mortality, and returning same at times and places appointed for that purpose; to impose suitable fines and penalties upon physicians, sextons, and others for any default in keeping and returning the same.

*Nineteenth.* To establish and regulate public scales and gauging, and the place and manner of selling and weighing lime, coal, hay, corn, and other produce, or other articles sold upon the streets; and to appoint a suitable person or persons to superintend and conduct the same.

*Twentieth.* To make, establish, and regulate public wells, cisterns, reservoirs, and pumps, and to provide for the furnishing of the said city and the inhabitants thereof with water and gas.

*Twenty-first.* To prohibit and prevent or regulate the erection of wooden buildings in such parts of said city as they may think proper.

*Twenty-second.* To erect and establish market-houses, market-places, hospitals, council-house, city jail or station-house or calaboose, engine-houses, and to regulate and govern, repair, and remove or re-build same, or new ones, and to prescribe the rules and regulations of the use and management thereof.

*Twenty-third.* To prevent and guard against damage by fire; to purchase fire engines and fire apparatus; to organize fire companies, and regulate and govern the same; and to prescribe and regulate the duties and conduct of members of fire companies, and of other persons in relation to fires, and property moved into the streets or elsewhere to prevent its destruction by fire.

*Twenty-fourth.* To provide for the prevention of training or breaking horses, or exhibiting stallions and jacks and bulls on the streets and other public places of the city.

*Twenty-fifth.* To provide for the removal out of the limits of the city, or killing of mischievous or vicious animals, and for the punishment, by suitable fines and penalties, of the owner or keeper of such animals for allowing them to go at large.

*Twenty-sixth.* To provide for and regulate the general police of said city.

*Twenty-seventh.* To regulate the streets, alleys, and sidewalks, and all improvements and repairs thereof; and the



said common council shall have the exclusive right and power of taxing persons residing in said city, and the real and personal property situated therein, for the purpose of making such improvements and repairs, whether such improvement or repairs consist of grading, paving, or otherwise; and no person residing in said city shall be required to work upon any road without the city. The mayor and council shall have power (and they may exercise it or not within their discretion) to license within said city billiard tables, ten-pin alleys, jenny lind tables, or other places of amusement and profit, including all theatrical performances, circuses, concerts, and panoramas, and may, by ordinances and by-laws, impose such taxes for same as they may deem proper, and in like manner provide for the collection of same, and prescribe and enforce fines and penalties for a violation of any of said ordinances or laws; and no person shall exercise any of the above named privileges within said city, or within one mile thereof, without a license therefor; and the city officials shall have jurisdiction to enforce this section, and all ordinances and laws passed by the mayor and council touching the same.

*Twenty-eighth.* The mayor and council (a majority of all elected voting for it) shall have power to borrow money, and shall issue the bonds of the city for the same, in anticipation of the revenue of that year only, and to be paid out of the same, and pledge the faith, property, and revenues of the city therefor; but no amount beyond the revenue for the current year shall be borrowed, without the concurrence of a majority of all the qualified voters of the city authorizing the same. When the mayor and council submit a proposition to the voters of said city to authorize them to borrow money they shall issue an ordinance stating the sum proposed to be borrowed, the time for which it is to be borrowed, and the object or objects for which the money borrowed is to be expended, and the time and place of taking the vote thereon; and the money so borrowed shall be applied to the purposes for which it was borrowed. The mayor and council shall, in the ordinance to take the vote of said city to authorize them to borrow money, make provision for the payment of the interest on the sum, to be borrowed as it shall accrue, and to pay the principal when it shall become due, which provision so made shall be distinctly stated in the ordinance proposing to borrow money; and the ordinance made shall

be published in one or more newspapers in the city of Owensboro, at least three weeks before the vote is taken.

*Twenty-ninth.* The election for said purpose shall be held in the same manner and at the same places, and the result of the election determined as the other municipal elections are held and determined. All bonds of the city for the payment of money shall be signed by the mayor and countersigned by the treasurer; the bonds of the city may be negotiated and sold by the mayor or an agent appointed by the council for that purpose, as the council shall determine. Such bonds shall not bear a greater rate of interest than six per cent. per annum, and shall not run for a greater length of time than thirty years, and the common council shall cause a description of all bonds issued by the city to be entered on the bond register of the city, showing the date, amount, rate of interest, and time of maturity of each bond and to whom sold.

*Thirtieth.* To build, control, and regulate all wharves on the shore of the Ohio river in front of or adjoining said city, and the amount of wharfage to be charged at or for the use of the same.

*Thirty-one.* To levy and collect a revenue for the city of Owensboro in the manner hereafter prescribed.

*Thirty-two.* To establish a board of health for said city, and to invest it with such powers and impose upon it such duties as may be deemed necessary to preserve the health of said city.

*Thirty-three.* To prevent the introduction and spreading of contagious or infectious diseases.

*Thirty-four.* To regulate all taverns, groceries, coffee-houses, ale or porter shops or cellars, and all other places where beer, ale, porter, wine, or cider are sold by retail, or any spirituous liquors are sold by less quantity than a quart; and all theatrical exhibitions and concerts, and all exhibitions of whatever name or nature to which admission is obtained by the payment of money.

*Thirty-five.* To regulate all ferries across the Ohio river from said city or in front thereof to the opposite shore, and to regulate the rate of ferry rates and charges.

*Thirty-sixth.* The common council shall have power to grant licenses to the following persons and business and provide by ordinance adequate penalties for doing business

without license, to-wit: tavern-keepers, innkeepers, retailers of spirituous liquors, keepers of beer, ale, porter, cider, and wine-shops, houses, and cellars, and all other places of public entertainment; and showmen, and keepers and managers of theatrical exhibitions, concerts, menageries, circuses, fortune-tellers, astrologers, clairvoyants, and all other exhibitions for money or other reward; and auctioneers, commission merchants, banks of incorporation, both under the State and United States laws, builders, architects, insurance agents and companies, express companies, telephone companies, telegraph companies, real estate agents, dentists, lawyers, physicians, and surgeons; dealers in live stock, and butchers doing business in the city of Owensboro, tobacco stemmeries, livery stables, and warehouses, and houses for the sale or manufacture of dry goods, groceries, and wholesale liquor houses; dealers in coal, and all other houses or places for the purchase, manufacture, or sale of goods, wares, or merchandise of any kind; and keepers of ferries across the Ohio river from or in front of said city; persons vending at retail or wholesale, by sample or otherwise, goods, wares, merchandise, and all other business done in the city not herein specified, and personal property of any kind in said city, or upon boats or water-crafts of any kind in the Ohio river opposite said city, or in front thereof, and as far as the jurisdiction of Kentucky extends, whether such boat or water-craft be in anywise fastened to the shore or bottom of the river, or otherwise made stationary in the river.

*Thirty-seventh.* And in granting such licenses, as by this act the common council is authorized to grant, they shall charge such sum or sums of money as they shall deem fit and reasonable, and annex to such licenses such terms and conditions as in their opinion the peace, good order, and general interest of the city may require.

*Thirty-eighth.* And if any person so licensed be guilty of any violation of such condition, or suffering it to be done by any person in his employ, he shall, upon conviction thereof, in addition to the penalty prescribed for such violation, have his license suspended for a limited time, or wholly annulled, as the common council may hereafter by ordinance prescribe.

*Thirty-ninth.* No license herein allowed to be granted by the common council shall be for a longer time than one year, but may be for a shorter time, in the discretion of the coun-

cil, and the charge therefor shall be paid into the city treasury before such license is granted.

*Fortieth.* To regulate and prescribe the manner of the construction of chimneys, fire-places, stove-pipes, and flues, and to compel the alteration of such as are improperly constructed, and to make and enforce all such ordinances as may be proper or necessary to prevent the destruction of property by the careless and improper use of fire and lights.

*Forty-first.* A majority of the members of the common council shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinances.

*Forty-second.* The common council shall have power to appoint all officers and agents they may deem proper and necessary to carry into full effect the powers hereby conferred, and to prescribe their powers and duties, and to require them, or any or either of them, to give bond, with security, for the faithful discharge of such duties; and all officers and agents so appointed shall hold their offices during the pleasure of the common council; and to regulate and to establish and provide for the payment of fees and salaries of all officers and agents so employed.

*Forty-third.* The common council may, by ordinance, prescribe the rules of its proceedings, and, by proper penalties, enforce the same, and punish members for disorderly behavior.

*Forty-fourth.* The common council shall cause to be kept a correct journal of its proceedings, which shall be signed by the mayor after their approval; and immediately after the adjournment of each session may cause the proceedings of that session to be published at least once in some newspaper printed and published in the city of Owensboro. Such newspaper to be selected annually by the common council or otherwise as may be prescribed by ordinance.

*Forty-fifth.* To prevent and remove any and all encroachments into or upon any street, alley, sidewalk, lane, avenue, or public square established by this charter or by ordinance, and to exercise complete and perfect control over all public squares or commons belonging to the city, and over all property, real or personal, belonging to the city within or beyond the limits of the city.

*Forty-sixth.* To erect a work-house, poor-house, pest-house, and house of correction, and to provide for the regulation and government thereof.

*Forty-seventh.* The common council shall not make or create a debt against the city payable during the current year, that can not be liquidated out of the revenue of that year, except as herein otherwise provided.

*Forty-eighth.* To grant the right of way over the public streets and other public places and grounds of the city to any railway or street railway companies for any railway purposes, for such time and in such manner and on such conditions as they may deem proper; and shall have supervisory control over the use of same, and shall regulate the speed of cars, signals, and all other matters pertaining to the use of such streets, grounds, or places for such railway purposes.

*Forty-ninth.* To elect or appoint one of their number chairman for the occasion at any regular meeting, when both the mayor and mayor *pro tem.* shall be absent, or when, from any cause, neither of them can act.

*Fiftieth.* To appropriate the money of the city to its improvement and current and necessary expenses; to provide for the payment of its debts and for the general protection and defense of the city; to provide for the safety of the lives and property of the citizens and inhabitants of the city; and for this purpose may provide for the safe construction, inspection, and repairs of all private and public buildings within the city; regulate, restrain, or prohibit the erection of wooden buildings within prescribed limits, and remove same at the owner's expense when erected or suffered to remain contrary to law ordinance; may regulate or prevent dangerous manufactories or the manufacture or vending of articles obnoxious or dangerous to the health of the inhabitants.

*Fifty-first.* May compel persons present to aid in extinguishing fires, or in the preservation of property liable to be destroyed or stolen; may compel all owners of buildings to have scuttles on their roofs, and stairs or ladders, or both, leading thereto; and through their officers or agents may enter into and examine all dwellings, lots, yards, inclosures, and buildings of every description to ascertain their condition for health, cleanliness, and safety; may take down and remove buildings, walls, or superstructures that are or may become dangerous, or require owners to remove or put them

in a safe and secure condition at their own expense; may regulate the storage of gunpowder, or coal oil and its products, baled hay, hemp, cotton, and other combustible materials; the use of lights and candles in stables, shops, and other places; may remove or prevent the construction of any fire-places, chimneys, stove, oven, boiler, kettle, or any apparatus used in any house, building, manufactory, or business which is liable to cause fires or conflagrations; may direct the safe deposit of ashes or other dangerous rubbish or material; and may order and regulate the building of partition, parapet, and fire-walls.

*Fifty-second.* If a vacancy shall occur in the office of councilman, the mayor shall cause an election to be held in the ward in which such vacancy shall occur to fill such vacancy, which election shall be held in such manner, and returns made and results determined as now required by law in case of the regular annual election: *Provided, however,* That if more than one year shall have expired before the vacancy occurs, then the council shall fill such vacancy.

*Fifty-third.* Upon a petition signed by two thirds of the property-owners, which shall be determined by the number of lineal feet fronting on any street, asking improvements to be made on such street or streets or sections thereof, such improvements may be ordered by the council, and the same shall be enforced in the same manner that orders of the council for other improvements in the city are enforced.

*Fifty-fourth.* The common council shall meet on the first Thursday in each month, and oftener if the interest of the city require it, and shall meet upon their own adjournments, and determine the rules of their proceedings; they shall designate by ordinance the time and place of their regular meetings.

*Fifty-fifth.* Any member of the council may call for and have recorded the ayes and nays upon any question.

*Fifty-sixth.* The common council shall have power to make all needful rules, regulations, by-laws, and ordinances for the enforcement of the provisions of this act, and may fix or attach fines or penalties for a violation thereof in a sum not exceeding one hundred dollars.

*Fifty-seventh.* The mayor and council shall have power to fix the compensation of councilmen, which shall not exceed

the sum of one hundred and fifty dollars in any one year for each councilman.

*Executive Department.*

§ 11. The chief executive power of the city of Owensboro shall be vested in a chief magistrate, who shall be styled the mayor of the city of Owensboro, and who shall be elected by the qualified voters of said city, as provided for in the ninth section of this act, whose term of office shall be two years, and until his successor is elected and qualified, except as to the first election under this charter as provided for in section nine.

§ 12. No person shall be eligible to the office of mayor, who, in addition to the qualifications necessary for a councilman, shall not have been a resident of the city of Owensboro for five years previous to his election.

Mayor — qualification.

§ 13. The mayor shall receive as compensation for his services six hundred dollars per annum, payable quarterly out of the city treasury. He shall be chief of the police of the city, and may command them in the performance of executive duty, shall be a conservator of the peace, and when deemed necessary by him to enforce the laws of the city, or to quell riots or mobs, he may summon into service any of the citizens, and in such case he must be present and command in person.

Compensation.

Duties.

§ 14. He shall see that the laws of the city and all ordinances are faithfully executed and observed.

§ 15. He shall preside at all meetings of the common council, decide all points of order, and shall have the same power during the session to enforce good order and decorum, and to punish contempts, that the presiding judges of the circuit courts have by law; and may require information in writing from any officer of the city on any subject relating to their respective offices.

§ 16. He shall, from time to time, give to the common council information of the state and condition of the corporation, and recommend to their consideration such measures as he may deem expedient.

§ 17. He shall perform and discharge such other duties as may be prescribed by ordinance of the council, not inconsistent with the provisions of this charter.

§ 18. He may call special meetings of the common council when, in his judgment, it is deemed necessary, or to the interest of the city.

§ 19. He shall give the casting vote, whenever the council is equally divided, on any proposition not requiring more than a majority of the members present.

§ 20. He shall have power to administer oath of office, and for general purposes, and may give certificates thereof.

§ 21. The board of common council shall, at their first meeting, elect one of their members mayor *pro tem.* for the year, and such members, in the absence of the mayor, shall preside at the meetings of the council; and in case of death or resignation of the mayor, or absence from the city, or inability to perform the duties of his said office, the mayor *pro tem.* shall, during such vacancy, disability, or absence, perform all the duties, and shall have and exercise all the powers vested in the mayor.

§ 22. The mayor *pro tem.* shall receive as compensation for his services while discharging the duties of mayor the same amount which would have been due to the mayor if said services were performed by him: *Provided, however,* That while acting as mayor *pro tem.*, and receiving compensation for services rendered as such, his pay as councilman shall cease; but the compensation so allowed to the mayor *pro tem.* shall not be deducted from the mayor's salary in any case of necessary absence.

§ 23. Before any ordinance shall become a law, after being passed by the common council, it shall be presented to the mayor for his approval or rejection. If he approves the same, he shall sign it, and it shall then become an ordinance; but if he disapproves it, he shall return it to the council, with his objections in writing, which shall be entered at large upon the journal, and the council shall proceed to reconsider the proposed ordinance, and if it be then adopted by two thirds of all the members elected, it shall then be an ordinance, the mayor's objection to the contrary notwithstanding. In such case the vote shall be taken by yeas and nays and recorded in the journal. If the mayor hold up a proposed ordinance beyond the next regular meeting of the council, it shall be an ordinance as though signed by him.

§ 24. The mayor shall have power to fill any vacancy which may occur in any executive or ministerial office of the



city by appointment, which appointment so made shall expire at the time for the filling of said offices as provided for in this act. He shall also have power to suspend from official duty any policeman for misfeasance or nonfeasance in office, or misconduct of any kind, until the next regular meeting of the council, when he shall report said suspension to the council, with his reasons therefor, and in case of emergency, he may appoint supernumerary policemen, to serve not longer than the next meeting of the council, and they shall be entitled to compensation for the time they so serve at the rate paid the regular police.

*Judicial Department—City Court.*

§ 25. The city court in and for the city of Owensboro, heretofore created and now existing, shall be continued under the name and style of the Owensboro city court.

§ 26. The said city court shall have exclusive jurisdiction of all actions and prosecutions for violations of the charter, ordinances, and by-laws of said city, whether the offender be arrested or summoned in the city or elsewhere.

§ 27. Said court shall further have exclusive jurisdiction of all misdemeanors committed within the corporate limits of the city of Owensboro, where the punishment of an offense is a fine not exceeding one hundred dollars, and imprisonment not exceeding thirty days; and all such offenses shall be prosecuted by warrant or summons in the name of the city.

*Civil Jurisdiction of City Court.*

§ 28. The city court of Owensboro shall have original civil jurisdiction concurrent with the justices' courts and the quarterly court of Daviess county of all civil actions and proceedings for the recovery of money and personal property arising in Daviess county, where the matter sought to be recovered, or in controversy, exclusive of interest and cost, is not of greater amount or value than one hundred dollars, when the defendant resides in or is summoned in the city, subject to the same limitations as suits brought in justices' courts. The pleadings, processes, time and manner of service, and all proceedings in said court, both penal and civil, shall be governed in all respects by the Codes of Practice of Kentucky.

§ 29. In all prosecutions in said court, where the punishment is imprisonment, the defendant may demand a jury; and where the punishment is by fine alone, the defendant shall have the right to demand a jury, where fine may exceed fifty dollars; and in civil actions, where the amount in controversy is over sixteen dollars, either party may demand a jury.

*Appeals.*

§ 30. In all penal actions or prosecutions the defendant may appeal to the quarterly court of Daviess county, where the amount of the judgment against him, exclusive of costs, is over ten dollars; and the city may appeal to said court in all cases where the fine which might be imposed is as much as ten dollars and under twenty-five; and where the fine is twenty-five dollars or more, all appeals shall be taken directly to the circuit court of Daviess county.

§ 31. In all civil actions or proceedings, where the amount in controversy is as much as ten dollars and under twenty-five, either party may appeal to the Daviess quarterly court; and where the amount in controversy is twenty-five dollars and over, all appeals shall be taken directly to the circuit court of the county. The appeals herein provided for shall be taken within the same time and in the same manner provided for taking appeals from other inferior courts by the Codes of Practice.

*City Judge.*

§ 32. The city court shall be presided over by one judge, who shall be styled the city judge of Owensboro.

*Qualifications of City Judge.*

§ 33. No person shall be eligible as judge of the city court of Owensboro who is not a citizen of the United States and the State of Kentucky, and a resident of the city of Owensboro for at least five years next preceding his election, and at least twenty-five years of age. In other respects he shall have the same qualifications as are now required for county judges.

*Election of City Judge.*

§ 34. The first election for city judge of Owensboro shall be held at the first regular election for other officers the first Monday in April, 1882, and he shall hold his office for the

term of four years from the day of his election, and until the general election in 1886, and thereafter elected every four years. He shall be commissioned by the Governor, and shall hold his office until his successor is qualified, and shall be removable from his office in the same manner as the judges of the circuit courts of the Commonwealth.

§ 35. Said city judge shall at stated times receive for his services adequate compensation, to be fixed by the mayor and council, which shall not exceed eight hundred dollars, which shall not be diminished during his term of office. The city judge shall be clerk of his own court, keep a docket, enter judgments, and issue executions and other processes as now provided by justices and quarterly courts, and in civil actions shall have the same fees as now allowed by law to judges of quarterly courts in addition to the salary allowed by mayor and council. Said judge shall have the power to issue *capias pro fine* upon judgment for penalties, mutinies, &c., and may punish for contempts of his court in the same manner as circuit judges are now authorized by law to do; and when the city judge is temporarily absent or disabled, the mayor of the city shall act *ex officio* as city judge.

§ 36. Said judge shall also have the power to issue warrants, in the name of the Commonwealth, in cases of felonies and misdemeanors, cognizable by the Daviess circuit court, and in such cases may sit as a court of inquiry, try, acquit, commit, or bail persons in conformity to the laws of Kentucky, and shall be governed by the same law, and exercise the same power that two justices of the peace in such cases, and shall be allowed for his services the same fees two justices are now allowed by law, to be paid in the same manner. He is authorized to administer oaths, and all copies and transcripts from his office, when certified by him, shall be evidence in all the courts in this Commonwealth. In case of a vacancy in the office of the city judge, it shall be the duty of the common council to fill such vacancy by the appointment of a successor to serve until the next general election for city offices, when an election shall be held to fill such vacancy, and the person so elected shall serve until his successor shall be elected and qualified.

§ 37. The city judge, before entering upon the duties of his office, shall take an oath or affirmation before some one com-

petent to administer same that he will support the Constitution of the United States and of the State of Kentucky, that he will faithfully perform the duties of the office.

*Terms of Court.*

§ 38. Said court shall be opened every morning (Sundays and legal holidays excepted), and shall proceed summarily to try all cases brought before it for breaches of the laws and ordinances of the city, and all misdemeanors of which it is given jurisdiction herein, which may be prosecuted by summons or warrant merely; and if a jury be demanded by a party who is, by the provisions of this charter, entitled to demand one, it shall be the duty of the judge to order a jury as hereinafter provided for, to be summoned forthwith by the marshal of the city or some qualified officer of the county. The said court shall have monthly terms, beginning on the first Monday in each month, for the transaction of civil business, and continue until the business of the court is finished.

§ 39. The city marshal of Owensboro shall wait upon said court as the sheriff is now required to wait on the circuit court, and shall receive such compensation or fees for said services as may be fixed by ordinance.

§ 40. For the trial of all causes in said court both civil and penal, where the amount in controversy is not exceeding one hundred dollars in a civil action, and the punishment not exceeding a fine of one hundred dollars in a penal prosecution or action, the jury shall be composed of six persons only, who shall be paid fifty cents each for their services in each case, to be taxed as costs against the defendant on conviction in a prosecution, the losing party in a civil action or proceeding.

§ 41. All fines and judgments recovered in penal actions and prosecutions in the city court shall, when collected, be paid into the treasury for the use and benefit of the general revenue fund of the city, except thirty per centum of all fines recovered in cases prosecuted by the city attorney, shall be paid to him when collected in money, in addition to the salary allowed him by the mayor and council.

*Assessment and Collection of Taxes.*

§ 42. The following shall be subject to a uniform rate of assessment and taxation for municipal and local purposes in the city of Owensboro, viz:

*First.* All real estate situated within the corporate limits of said city, except real estate held by religious denominations for devotional purposes not exceeding one acre, land on which seminaries of learning are erected or used for educational purposes, and the public property belonging to the county of Daviess, and such property as is exempt by the laws of the State from taxation.

§ 43. All personal property, choses in action, moneys, deposits, rights or demands, or any interest, share, or partnership therein, wheresoever situated, unless taxed elsewhere, owned or held by persons domiciled or permanently residing in said city on the tenth day of January in the year in which the assessment shall be made, or which shall be so owned or held by any corporation created by the laws of Kentucky, and having its chief office or place of business in said city, except bonds of the United States exempt by law from taxation; stocks held by such persons or corporations or other corporations created by the laws of Kentucky, which are taxed by the laws of Kentucky, and subject to a further deduction from the amount of said choses in action, debts, rights, and demands of the debts which said persons or corporations may actually owe as principal debtors on the said tenth day of January, and the further sum of one hundred dollars which is exempt from taxation.

§ 44. All capital actually employed in any calling, business, or pursuit carried on in the city by persons residing outside of the limits of the city during the current year ending the first day of July of each year, and may levy a specific tax on all goods brought to said city to be peddled or sold at auction, and not otherwise taxed.

§ 45. It shall be the duty of the city assessor to assess the taxable property and tithes in the city for that year, with whom persons liable to list for taxation shall list their property, who shall receive such compensation as the council may prescribe or allow, and who shall be subject to removal for drunkenness, fraud, neglect of duty, or malfeasance or misfeasance in office by the common council; and before entering upon his duties, he and his deputies shall take an oath, before the mayor or other person authorized to administer oaths, faithfully to assess the property and tithables of the city, and he shall enter upon his duties as soon after the 10th day of January as possible; and it shall be the duty of the

common council to provide said assessor with blanks on which to make the returns of his assessments, and shall return said list completed to the board of supervisors on the first Monday in April in each year. The first column in said blank shall be for the name of the person or corporation listed, and he shall keep two separate lists or books, one for the whites and the other for the blacks; the second shall indicate that the person listed is a male over twenty-one years of age; the third, the number or interest in town lots; the fourth, the street on which they are situated; the fifth, the total value of the town lots; the sixth, the number of horses, mules, jacks, jennies, kept in the city; the seventh, their total value; the eighth, the value of cattle and hogs, except one cow exempt from taxation, kept in the city; ninth, the value of wagons, carriages, and wheeled vehicles of every description kept in the city; the tenth, the value of any store or stock in trade; the eleventh, the value of pianos; the twelfth, the value of gold and silver watches, and watches of other metals, and clocks; the thirteenth, the value of gold and silver plate; the fourteenth, the value of any adventure in trade, shipment, or business, or any share, stock, or interest therein, outside of Owensboro, whether in Kentucky or other States or counties, not elsewhere taxed for municipal and local purposes; the fifteenth, the valuation under the equalization law, after deducting one hundred dollars exempt from taxation; and the sixteenth shall show the aggregate value of the real and personal estate subject to taxation; and the assessor shall list for taxation every person and corporation herein made liable to taxation under the preceding section, and make due return thereof, under the appropriate heads on said blanks, on or before the first Monday in April in each year; or, if the person so listing for taxation resides outside of the city, and carries on business in the city, he shall make oath that he has rendered a full, fair, and just statement of the capital employed, and intended to be employed, in his or their business in said city during the current year ending on the tenth of January next thereafter. The president, or other chief officer of corporations, shall list their property for taxation. When the assessor cannot find the person to be listed, he may return the fact, with the best estimate that he can make of his taxable property obtained from other sources. He shall make, in a column provided for that purpose, opposite the

name of the party listed, when they have been sworn; and for every list not so marked, when he does not return that the party cannot be found, or that he refuses to list, he shall be charged one dollar, to be deducted from his compensation.

§ 46. If any person, whose duty it is to list his property or that of a corporation, when called on for his list by the assessor or his deputy, shall refuse or fail to give his list, the assessor shall list the same at a fair reasonable value upon such information as he can get.

§ 47. The common council shall appoint two supervisors of taxes in the month of January of each year, one from each ward, and they, together with the mayor, shall constitute the board of supervisors, who shall be freeholders, who shall meet at the council chamber on the first Monday in April of each year, to revise the tax list returned by the assessor, and reduce them wherein, in their opinion, the valuation is too high, and increase them where, in their judgment, the values are too low; and assess all persons, corporations, and property not listed with the assessor, upon such proof and estimates as they can get; but when they shall be of opinion that the valuation is too low, or shall make any assessment on persons or property not listed, they shall, before finally increasing the value, or make any additional assessment, fix on a day, not later than the third Monday in April, to hear any reasons which the party to be affected may offer against such increase or additional or new assessment, and cause such person to be notified by the marshal or any officers of said city or court of Kentucky; and upon the day fixed, or as soon thereafter as it can be reached, they shall hear the case, and, whether any such person appear or not, determine whether it shall be increased, and how much, and what persons or property was not assessed, and assess same; and the decision shall be final, except that the common council may correct errors or mistakes. They may hear any competent evidence, and summons persons and officers of corporations to appear before them, and give in their list of property, and compel them by attachment, and to that end may administer oaths to witnesses. They shall report to the council all who fail to appear, and the council, in its sound discretion, may, in the name of the city, cause the city attorney to institute suit in the Daviess circuit court to compel such persons to

disclose what property and its value that they have failed to list for taxation.

§ 48. All taxes assessed by the common council shall be due and payable on the first day of June in each year; and if not paid by the first day of September of the same year, two per centum shall be added to and collected on each tax-list for each month therefor, not to exceed ten per cent., and tithe or part thereof not paid by that time; and upon the aggregate balance not paid by the collector to the treasurer within five days thereafter, the treasurer shall charge the collector said additional per centum each month, and shall settle with him on that basis; and the common council shall not have power to release said percentage, or any part thereof, nor to increase the compensation of the collector, after he has qualified as such; they shall allow him a credit for delinquents whose tax cannot be collected, but not until he shall have rendered a delinquent list showing, by his statement appended to each list and sworn to by him, that he has used proper diligence to collect, and has failed to collect; and in no case shall he be credited by resident delinquents, unless it appears from his affidavit that he has visited his or their place of abode, and found nothing to distrain; and after carefully examining such list, it may be allowed by the council; but no delinquent list can be credited by the council, unless made out by the collector, and presented by the third Monday in December in the year the taxes are assessed.

§ 49. The common council shall not have power to exempt any person legally chargeable with taxes from the payment of the whole or any part thereof, except as follows: they may release ministers of the gospel, old, afflicted, or indigent persons and firemen from the payment of capitation taxes, and they may, in their sound discretion, extend the time for the payment of taxes upon the homestead and personal property owned by widows.

§ 50. The common council shall have authority, in the month of March or April, in each year after this act takes effect, to levy upon, and cause to be collected from the inhabitants of and the owners of real estate situated in the city of Owensboro, and the capital employed in trade in said city, an annual tax on their property, rights, and effects, and capital in trade enumerated in the first section of this article, not exceeding the rate of seventy-five cents on each one hundred



dollars of its cash value, on the tenth day of January in each year, and on capital employed in trade in said city, and a capitation tax not exceeding two dollars on each male person over twenty-one years of age domiciled in said city on the said tenth day of January, for the purpose of providing a general revenue for said city for municipal purposes.

§ 51. The common council shall have power and authority to make all necessary provision for the payment of the principal and interest of the bonded debts of the city now existing; and for this purpose may levy a tax, not to exceed fifty cents on each one hundred dollars' worth of property in each year liable to taxation, for the payment of principal and interest of her bonds, issued in payment of stock in the Owensboro and Russellville Railroad Company, and a capitation tax not to exceed two dollars and fifty cents; and the mayor and council shall have power to levy and collect taxes for school purposes as is now provided for by law.

§ 52. The common council shall fix the compensation of the collector of taxes for collecting tax; and before said collector enters upon his duties, he shall, before the council, enter into a covenant to the city of Owensboro, with surety to be approved by the council, conditioned that he will faithfully discharge the duties of collector for the city of Owensboro, and that he will collect and pay over to the treasurer of said city, or other person entitled thereto, all the taxes, levies, and assessments which have been or may be made upon the property, capital, and inhabitants of the city by the time the law requires him to do so, which bond, when executed, shall be copied on the journal of the council proceedings, and filed and kept with its records. At any time the common council may entertain doubts as to the sufficiency of said bond, they may require him to give a new and sufficient bond; and after reasonable notice given to him, if such new and sufficient bond be not executed, suspend his powers, and remove him from office, and appoint another person to discharge the duties.

§ 53. The clerk of the common council shall by the 15th day of May, or as soon thereafter as possible, and not later than the 1st of June in each year, deliver to the collector so qualified a copy of the assessor's book, made out in a fair hand; and upon its receipt, the collector shall be authorized to receive the taxes assessed thereon, and may levy upon and

distrain property to pay the same, and may retain fees for such levy and distraint as the council, by ordinance, may prescribe in addition to his commissions. He may levy upon and sell real estate when he can find no personal estate out of which to make the taxes. In such sales he shall be governed by the law regulating sales of real property by sheriffs under execution, except that he shall sell for cash, and no valuation need be made, nor shall any homestead be exempt. He shall deliver to the purchaser a certificate thereof, describing the property, showing the amount of taxes assessed and costs thereon for which it was sold, the amount bid by the purchaser, which certificate the purchaser shall deliver to the clerk of the Daviess county court, who shall record the same in the deed-book in his office, indexing the same as deeds are indexed, and he shall receive fifty cents for recording same. The owner of said property may redeem same at any time within two years from the day of sale, by paying to the purchaser the amount bid by him and costs of recording said certificate, and any taxes paid by him thereon after said sale, and at the rate of fifteen per cent. per annum thereon from the sale to the date of redemption. The certificate so recorded, after the lapse of two years from the day of sale, shall operate to transfer a perfect title to the purchaser, and the collector shall convey same in all respects as sheriffs now convey. The mayor of the city shall attend all sales of property for taxes due the city, who shall, if no other person bids, bid an amount sufficient to pay the taxes due the city and costs and penalties accrued, bid in the property for the city, and the city shall hold the property thus bid in as any other person purchasing same, and hold it subject to the same rights and restrictions.

§ 54. The collector shall proceed, without unreasonable delay, to collect all the taxes for the year, and keep an account of the different kinds of taxes collected separately, pay them over to the treasurer or person authorized to receive them, and take a receipt therefor, specifying the different kinds of taxes paid; and the treasurer or other person thus receiving said taxes shall enter them on his book in the same way.

§ 55. He shall be bound for the whole amount of taxes and the per capita, with percentage thereon, after deducting his commissions, payments, and credits for delinquents. If he

fail to pay, on demand of the treasurer or other person entitled thereto, the amount or balance, with the penalty added thereon, he and his sureties, or any of them, after ten days' notice, shall be liable to the city for the said balance with penalty as aforesaid, and ten per cent. thereon in damages, with costs, recoverable in the Daviess circuit court, either by motion or action. One recovery shall not bar other recoveries for other or different collections, nor for deficiencies or errors discovered after suit brought, nor shall recovery against a part of the obligors bar a recovery for the same cause of action against others, and the covenant shall not be discharged, nor action or motion thereon barred, until he has fully paid over all the funds which came to his hands.

§ 56. The collector may enforce his lien for taxes upon choses in action by delivering a tax receipt to the debtor of any one from whom taxes are due, for the amount of taxes due, or any part thereof, and the same shall be a valid receipt to such debtor against the person owing such taxes for the amount due and paid by the debtor to the collector. If the debtor refuse to pay the collector the amount of taxes, or such part thereof as he may owe to him who owes the tax, on the offer by the collector to give him such receipt, after being notified that his creditor owes such taxes, the collector may sue such person and recover said taxes to the extent of his indebtedness to the party owing the taxes in any court having jurisdiction of the amount, making the tax-payer a party. If the collector shall so collect taxes which are not due, he and his sureties shall be liable to the person from whom the collection is made in double the amount so collected with costs, recoverable in any court having jurisdiction.

§ 57. The collector in levying upon, distraining, and selling personal property for taxes, shall be governed by the same rules that constables and sheriffs are in levying executions for and selling similar property, except that the sale shall be made for cash, and no property shall be exempt from such distraint except what may be exempt by the State law for taxes.

§ 58. The common council may, by ordinance, change the form herein prescribed for the assessor's books, if they shall see fit, so as to make the same more effectual and conveniently to exhibit the various values subject to taxation, and so as to ascertain any other facts they may deem necessary

or desirable. They may also change the time of assessing, collecting, and paying over taxes, or, either; they may also change the time of appointing the collector.

§ 59. The common council may, by ordinance voted for by two thirds of its members, the yeas and nays being entered on its journal, cause a new street or alley to be opened, or old ones to be widened or extended, when in their opinion the interest of the public demands such action, in the following manner: they may acquire the use of any land for said purposes by donation, dedication, or purchase, in the name of the city; when they shall deem it necessary to establish any such way over the land of others, and they shall not have acquired the use thereof as aforesaid, the common council may appoint one or more persons, one of whom shall be a practical surveyor, and direct him or them, after being duly sworn faithfully and impartially to discharge the duties assigned him or them, to go upon the premises over which said way is proposed to be established, and make an accurate survey and plat of the lands sought, to be taken, showing the names of the proprietors thereof, and the separate boundaries of each, and the estate held by each; and if there be a life estate, and an estate in remainder, the names of the persons owning each estate, and as far as possible, the residence of those interested in the estate, and the nature of any improvements that may be on the premises, and the value, in his opinion, of the interest of each proprietor in the land sought to be taken, and the damages done to the estate of each proprietor, and report his or their survey, map, and conclusions to the council in writing. Whereupon, it shall be the duty of the council to cause their clerk to issue a writ, directed to the city marshal, commanding him to summon each party interested in the premises to appear before the council on a day to be fixed in the order of the council, and show cause why said street or alley shall not be established, which summons may be executed by the marshal in any part of Daviess county; and if the proprietor cannot be found, it may be executed by delivering a true copy thereof to any tenant residing on the land. If the summons be returned executed as to all, or executed as to some, and not found in Daviess county as to the others, and they shall not appear in person, by attorney, agent, or tenant, the council may proceed to establish said way according to the survey made as aforesaid,

over the lands of such as fail to appear; but if any one interested shall appear by themselves, attorneys, agents, or tenants, and claim compensation or damages greater than the council is willing to pay, it shall be the duty of the council to appoint three commissioners, who are in no way interested in the premises, or related to either of those interested, and who are owners of real estate in and residents of the city, and direct them to go upon the premises, on a day to be fixed by the order, and, after being sworn faithfully and impartially to discharge the duties assigned them, to examine the premises, and hear any evidence which may be offered, either by the city or the proprietors; and after doing so, to report to the common council what sum would be a just compensation to each proprietor for the land proposed to be taken from him, what damage the proprietor will sustain in other respects by the establishment of the way; and when said report shall be made, the common council shall determine whether they will pay the amount so reported, and establish the way; and if they do determine to establish the way, they shall do it by ordinance by a majority, the yeas and nays being entered on their journal; and said ordinance shall also provide for the payment of the amounts reported by the commissioners, or agreed to be paid, if an agreement be made; and thereupon the said street or alley shall be established as surveyed.

§ 60. The commissioners herein provided for shall have power to administer oaths to witnesses, and both the first and last named commissioners shall receive a reasonable compensation to be fixed by the council; and the council shall have power, after causing a copy of the order appointing them to be delivered to them, to compel them to act by procedure as in cases of contempt.

§ 61. The council may, by ordinance as aforesaid, establish a new street, or widen or extend an old one, absolutely or contingently, on the condition that persons desiring such way will pay the whole or part of the damage or compensation awarded by the commissioners within a time to be specified in the ordinance; and when said damage shall have been paid into the city treasury, or to such proprietors, the council may establish it finally and unconditionally.

§ 62. Any person interested in the land may appeal from the decision of the commissioners and the common council

fixing the compensation and damage, to the circuit court of Daviess county, in the same manner that appeals are taken from the judgment of the county court to the circuit court in road cases, except in this: that the case may be tried in the circuit court, upon such evidence as may be there offered by either party; and the reversal of the decision of the commissioners and council shall not interfere with the establishment of the way, and shall only affect the amount of compensation and damage; in such appeal the city of Owensboro shall be the appellee.

§ 63. The common council may, from time to time, cause the streets and alleys in the city to be graded at the costs and expense of the city.

§ 64. The common council may, from to time, cause any of the streets or alleys which may have been graded to be re-graded and macadamized, graveled, or otherwise improved, in such manner as the common council shall deem most conducive to the welfare of the city; but one half of the cost and expense of such re-grading, graveling, macadamizing, or other improvements, shall be borne and paid by the lot-owners fronting on such street or alley where the work is done, to be paid by them respectively, according to the number of front feet where such work may be done: *Provided*, That no such assessment or charge shall be made against any lot or lot-owner in excess of one fourth the value of such lot; and any excess over one fourth the value of any lot which may be chargeable against the same for improvements shall be paid by the city; and the council may, by ordinance, provide that the city will collect said assessments, and be responsible to the person doing such work, in which case the city shall have a lien as for other taxes, or that the person doing the work shall have a lien on the adjacent lots for the respective amounts due from the owners thereof. The value of the adjacent lots shall be determined by the assessor's books showing their value at the last assessment previous to the passage of the ordinance requiring the work to be done.

§ 65. The common council shall have power to cause the sidewalks in said city to be graded, paved, or improved, in such manner as they may by ordinance direct, at the cost and expense of the lot-owners fronting such street or alley where such sidewalk is so improved, to be apportioned between the lot-owners fronting thereon as in the preceding section; and

a lien is hereby given to the city upon such lots for the payment of the costs and expenses of improvements provided for in this and the next preceding section on all lots, houses, and improvements fronting thereon, which lien shall attach at the passage of the ordinance directing said improvements to be made, and shall have priority over all other liens upon the same property, whether created before or after that time, except liens for State and other city taxes: *Provided, however,* That the property-owner may have the option to pave in front of his property in accordance with the direction of the city council.

§ 66. The cost and expenses of making the improvements provided for in the two preceding sections shall be a tax upon the lot-owners, and due and payable to the city or contractor thirty (30) days after the work shall be completed and received, and shall be collected and accounted for by the city collector as other taxes are collected and accounted for, and the council shall ascertain, by ordinance, how much is payable by each lot-owner, and the sums for which a lien is held upon each lot; place a copy of the ordinance in the hands of the city collector, who, if it is not paid when due, shall proceed to levy and collect the same in the same manner that other city taxes are collectable; and if he shall not find personal property belonging to the person owning it to pay said tax, he may proceed, after advertising the same, to sell the lot or lots, or so much as will pay the amount due thereon, to the highest bidder for cash in hand, the sale to be made at the courthouse door on the first day of a county or circuit court, in the same manner as other sales are by this charter directed to be made for other city taxes.

§ 67. The intersections of the streets shall be guttered, graveled, paved, and macadamized and improved, and crossings made at the cost and expense of the city.

§ 68. In all matters wherein the city of Owensboro and county of Daviess are jointly interested as to public buildings, grounds, or other matters, the common council shall have power and authority to contract and agree with the Daviess county court as to the manner of adjusting the same, and providing for the expenses and arrangements in relation thereto.

§ 69. The common council shall have supervisory power, control, and management of the streets, alleys, and sidewalks

in the city; and may build, establish, and keep in repair bridges, culverts, and sewers, and regulate the use and management of same; and they shall have power to levy a special tax in each year for the purpose of building sewers, not to exceed twenty cents on each one hundred dollars' value of taxable property.

*Streets and Alleys.*

§ 70. The common council shall, within one year after this charter takes effect, cause a map to be made of the entire city, within the boundary fixed by this charter, with streets, avenues, lanes, roads, and all other public ways laid out by actual survey, showing the extension thereof to the boundary line with regular squares; and no person shall lay out lands or sell lots upon a plan at variance with said public plan and map, unless the common council, by ordinance, permit the same; but all owners may map out their lands according to said public plan, and the streets and other public ways thus laid out shall be public ways of said city.

*Elections.*

§ 71. All persons who are qualified voters under the Constitution of Kentucky and of the United States, and who shall have resided in the city sixty days previous to the day of election, shall be entitled to vote for mayor, councilmen, city judge, and marshal of Owensboro, and all other officers elected by the popular vote of said city, and on all other questions submitted by the common council to the qualified voters of the city of Owensboro.

§ 72. The elections for mayor and councilmen shall be held at the times hereinbefore designated, and the city judge shall be elected on the first Monday in April, 1882, and hold his office until December, 1886, and on the first Monday in December, 1886, and every four years thereafter, and shall hold his office for four years, and until his successor is elected and qualified. The marshal of the city of Owensboro shall be elected on the first Monday in April, 1882, and hold his office until the first Monday in January, 1885, and on the first Monday in December, 1884, every two years thereafter, and shall enter upon the duties of his office immediately after qualifying, after his election in April, 1882, on the first Monday in January next after his election in December, 1884,



and his election thereafter, and shall hold his office for two years, and until his successor is elected and qualified.

§ 73. The mayor and common council shall have power to fill any vacancy which may exist in the office of city judge or marshal of the city, after this charter take effect, until the next regular election, by a vote of a majority of the members of said common council. If a vacancy shall occur in the office of mayor, the mayor *pro tem.* shall discharge all the duties and be invested with all the powers conferred upon the mayor by this charter until the vacancy shall be otherwise filled. If as much as six months' time intervenes between the occurrence of such vacancy and the next regular election for mayor, the common council shall order a special election to be held at the voting places in the several wards, at such times as they may designate, to fill such vacancy; and the person elected shall hold the office until the next regular election, and until his successor therein chosen shall qualify. If less than six months shall intervene between the occurrence of such vacancy and the next regular election, the mayor *pro tem.* shall discharge the duties of the office until the mayor chosen at the next regular election shall qualify.

§ 74. The mayor and the common council shall provide and designate by ordinance a voting place in each ward of the city, at which places all elections provided for in this charter shall be held; and no person shall be permitted to cast his vote in any other ward than that in which he shall reside. The vote shall be cast *viva voce* at all elections under this charter, but deaf and dumb persons shall vote by ballot.

§ 75. All elections by the qualified voters of the city shall be held between the hours of seven in o'clock the morning and six o'clock in the evening.

§ 76. All laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to the illegal voting in the city of Owensboro at any election held under the provisions of this charter.

§ 77. Previous to all elections held under this charter, the mayor shall, by proclamation issued ten days before the day of election, notify the qualified voters of the pending election, and the time and place of holding same, naming the officers to be elected, or the questions to be submitted, and said elections shall be conducted in the same manner that similar elections are conducted for State, district, and county officers,

except that the common council shall appoint the sheriffs, clerks, and judges of said election. The officers so appointed shall take the same oath that similar officers appointed to conduct State, district, and county elections are required to take, and they shall have the same powers and duties to perform.

§ 78. When in elections by the qualified voters of the city or of any ward, two or more candidates are equal and highest in votes for the same office, the election shall be determined between them by lot in such manner as the common council may direct, and in the presence of not less than three persons.

§ 79. The common council shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any office shall be heard and determined by the common council under such rules as may be prescribed by ordinance.

§ 80. The officers of election shall return the poll-books certified by them to the clerk of the common council; and on the second day after such election the common council shall meet and cause the vote to be counted, and declare the result by ordinance entered at large on their journals, and cause the clerk to deliver to persons elected certificates of election.

§ 81. Should the common council fail to appoint officers, or when appointed, should such officers fail to attend for thirty minutes after such election should have begun by the order of the common council, or attending, should fail or refuse to act, then the mayor, or, in his absence, the mayor *pro tem.*, shall appoint such officers as are herein required to act; or should such officers have been appointed and any of them fail or refuse to act, then the officer or officers who have been appointed and do attend may fill such vacancies; and the officers thus appointed shall constitute the board of officers for that ward, and proceed to hold such election.

§ 82. Besides the officers herein provided to be elected by the people, the mayor and council shall, at the first regular meeting of the council after they shall have been elected and qualified, elect an attorney, clerk, collector, auditor, physician, and all other necessary officers, who shall hold their respective offices for such term as may be fixed by the common council by ordinance, not, however, to exceed two years.

§ 83. The common council shall, at their first regular meeting in the month of November, fix the salaries or compensation of all officers not elsewhere provided for in this charter for the ensuing year, which salary shall not be increased or diminished during the term of office; but said salary may be increased or diminished on the first meeting in November preceding the election of any and all officers, the salaries of whom are to be fixed by the council.

§ 84. The common council shall, annually, at the first regular meeting after the new councilmen are elected and qualified, elect a treasurer, who shall hold his appointment for one year, and until his successor shall have been elected and qualified. The treasurer shall receive and safely keep all moneys belonging to the city, from whatever source received, or for whatever purpose; but he shall open and keep a separate account of all the different taxes collected and paid to him.

§ 85. The treasurer, before entering upon the duties of his office, shall enter into a bond or covenant with the city of Owensboro, with sufficient surety, to be approved by the mayor and common council, to the effect that he will receive, keep, account for, and disburse and pay over to those entitled to the same, all the moneys and effects which may come into his hands during his term of office, and that he will pay over to his successor any funds that may be in his hands at the expiration of his term, which bond shall be entered by the clerk on the journal, and carefully filed away and preserved.

§ 86. The common council may pay him a reasonable salary for his services; and for failure to give bond, for malfeasance or misfeasance in office, or any omission or neglect of duty, the treasurer may, on reasonable notice, be removed from office by the common council; or if at any time the council shall doubt the sufficiency of his bond, they may require him to give a new bond, with additional surety; and if he fail to do so, they may remove him and elect another.

§ 87. It shall be the duty of the city treasurer to receive and safely keep all money belonging to the city, and to pay out the same under appropriations made by the common council; and he shall only pay out money upon warrants drawn by the city clerk and countersigned by the mayor.

§ 88. He shall make and exhibit to the board of council, at their last regular meeting in the month of December in

each year, and at such other times as the board of common council may require, a full statement of the receipts and expenditures of the city, showing from whom money has been received, and to whom paid, during the previous twelve months, or any other period since he came into office; and of the state and condition, for the time being, of the treasury, which report may be published as the council shall prescribe. He shall perform such other duties relating to said office as may be required of him by ordinance or resolution.

§ 89. The treasurer, after the expiration of his term of office, or upon his removal or resignation, shall deliver to his successor, or to such person as the board of council may direct to receive them, all the public money, books, property, or effects under his control belonging to the city of Owensboro.

§ 90. The marshal of the city of Owensboro shall be a peace officer and the chief ministerial officer of the city court; and shall arrest any and all persons committing an offense in his presence, otherwise he shall not make any arrest, except by a warrant from the city judge or some magistrate; and it shall be his duty to take all parties arrested forthwith before the city judge or some other magistrate for trial, except at night. The marshal may commit such parties to jail or the station-house until the next morning, and except there are reasonable grounds to believe a party guilty of felony.

§ 91. The council shall have power to erect and control a city station-house, and appoint a keeper thereof; and it shall be the duty of the keeper of said station-house to receive from the marshal and policemen of Owensboro all prisoners arrested by them; and if the city court is not in session, he shall keep them safely in said station-house until ordered out by the said court.

§ 92. All warrants and process of every description issuing from the city court shall be directed to and executed by the marshal, except when he may be absent, sick, or under some disability, when they may be directed to and executed by the sheriff, any constable, or policeman.

§ 93. It shall be the duty of the marshal to attend punctually upon the meetings of the city court and council, and touching the business of said court, and all business of the city, and notify the city judge and attorney of all trials; and he shall perform all the duties that would otherwise devolve

upon the constable or sheriff by law; and for such services shall be allowed the same fees which are now allowed to constables and sheriffs by law; and said fees may be collected in like manner as fees of said officers.

§ 94. The marshal shall have power to execute warrants, and collect debts in civil matters, as constables are now allowed to do.

§ 95. May execute all notices of every description and subpoenas issuing from any court in Daviess county, and his jurisdiction shall be co-extensive with Daviess county; and in all such matters the marshal shall be allowed the same fees that sheriffs or constables are now allowed for similar services, which shall be paid in like manner.

• § 96. The marshal shall furthermore perform all the duties that may be required of him by the board of common council; and said board shall, by ordinance, fix the fees for any such services, and provide the payment of same.

§ 97. The marshal may appoint one or more deputies, in the same manner and under the same responsibilities that sheriffs may.

§ 98. The marshal shall execute in the Daviess county court a bond, with the same covenants, and to be taken and approved in the same manner as constables are now by law; and, in addition thereto, he shall, on or before the first Monday in January next after his election, execute to the city a bond for the faithful discharge of his duties, and to pay over all moneys received by him for the city into the hands of the city treasurer; and it shall be the duty of the common council to meet at any time he may request for that purpose; and upon his bonds the marshal shall be liable in the same manner and to the same extent as constables are now liable by law on their bonds, to the same penalties, to be recovered in the same manner, and before the same courts, except at the next ensuing election in April, 1882, he shall execute a bond as herein required within thirty days after his said election.

§ 99. It shall be the duty of the marshal especially to suppress all fights, riots, and breaches of the peace, and to apprehend and take before the city court or jail, or the city station-house, all riotors, disorderly persons, and disturbers of the public peace in said city, and any person found drunk or uncared for, or exposed in said city, and all persons in the act of committing any offense indictable by the laws of the

State, or fleeing from justice after committing any such offense; and if he deem it necessary for that purpose, he may call to his assistance all by-standers and other persons in the vicinity; and such by-standers and other persons so summoned by the marshal who shall fail or refuse to give the necessary assistance, shall be punished for such failure or refusal by such fines and penalties as the common council may by ordinance determine.

§ 100. Before entering upon the duties of his office, the marshal shall take an oath or affirmation, to be administered by the city judge or mayor, that he will well and truly discharge the duties of his office during his continuance therein, and deputy marshals shall take similar oaths or affirmations. If the marshal fail to execute covenant as herein prescribed, with good surety, and to take the oath of office within thirty days after his election, the common council shall, by ordinance, declare said office vacated, and shall take steps to have same filled as hereinafter provided.

*Duties of Officers—City Clerk.*

§ 101. It shall be the duty of the city clerk to keep a fair and correct record, in such bonds as may be designated by ordinance, of all the official acts of the mayor, and of the proceedings, ordinances, laws, and resolutions of the common council; keep and preserve in his office the seal of the city, records, papers, and draughts of the city not properly belonging to any office; to prepare papers and copies from his office, and take records thereof for publication; and to perform such other duties as the common council may by ordinance require, and receive for his services such salary as it may allow, to be fixed as other salaries at the same time and place.

*City Attorney.*

§ 102. No person shall be eligible to the office of city attorney unless he is a qualified voter and resident of the city, and shall have been a licensed practicing attorney for at least two years next preceding his election.

*City Physician.*

No person shall be eligible to the office of city physician unless he shall have been a regular practicing physician for at least two years next preceding his election.

§ 103. Any one or all of the foregoing officers may be removed by the common council for drunkenness, neglect of duty, malfeasance or misfeasance in office, in the same manner as other city officers, upon ten days' notice, in writing, stating the cause, from the common council, by order of same.

§ 104. It shall be the duty of the city attorney to attend all the meetings of the common council, act as legal adviser of the same, attend to and prosecute and defend for the city all suits in the inferior and superior courts of this Commonwealth while in office; draft all ordinances and contracts when required by the council; prosecute all cases in the city court for violation of the laws and ordinances of said city; and perform such other duties as the council may prescribe by ordinance; and receive for his services such salary as the council may allow, to be fixed at first meeting in November, 1882, and every year thereafter.

§ 105. It shall be the duty of the city physician to attend to the patients in the city pest-house or poor-house, and any and all paupers of the city of Owensboro, and upon all persons whom he shall be ordered to attend by the city council, mayor, or pauper committee, and perform all other duties that may be required of him by ordinance, and receive for his services such salary, to be fixed at the first regular meeting in November, 1882, and at the same time each one year thereafter, as the common council may allow.

#### *General Provisions.*

§ 106. All officers and agents employed by or by authority of the board of common council, shall be allowed and paid such reasonable compensation as the said common council may deem proper.

§ 107. No mayor or councilman or other officer elected by the people, during his continuance in office as such, shall be eligible to the office of clerk, treasurer, collector, or attorney for the city of Owensboro, or be a party to, or directly or indirectly be interested in, any contract made or entered into by or with the common council for or in behalf of the said city of Owensboro.

§ 108. Upon the failure of any person to qualify for the office to which he shall have been elected or appointed in the manner herein provided, and in such manner as may be prescribed by ordinance, where such power is herein given to

the common council, for the space of twenty days after his said election or appointment, his office shall be declared vacant by resolution of the common council, without notice, and the said office shall be filled in the manner herein provided for filling vacancies.

§ 109. The common council may, at any time when they deem the same advisable, require of such officers, agents, appointees, or contractors with or of the city, who are herein, or may by ordinance be, required to execute bond or covenant, with surety, to the said city, to give new and additional surety; and upon failure to execute a new bond, or give the new bond and additional surety, such offices, agencies, appointments, and contracts may, by order of the common council, be declared vacant; such officer, agent, appointee, or contractor first having had ten days' notice of the requirement of the common council, and the intention to vacate or declare vacant such office, agency, appointment, or contract, if said requirement is not complied with, which notice shall be drawn by the city clerk, and executed by the marshal.

§ 110. All officers of the city of Owensboro, before they enter on the duties of their respective offices, shall, in addition to the oath required by the Constitution of this Commonwealth, take, in substance, the following oath or affirmation, to-wit: "I do solemnly swear (or affirm) that I will faithfully perform the duties of the office ———, of the city of Owensboro according to law." And said oath or affirmation shall be administered by the mayor, city judge, or any officer of the city, county, or Commonwealth authorized by law to administer oaths.

§ 111. All ordinances of the city of Owensboro now in force, and not in conflict with this charter, shall remain and continue in force until repealed by the common council.

§ 112. All laws of the Commonwealth inconsistent with this act are now and hereby repealed.

§ 113. All laws vesting rights in or imposing duties upon the city of Owensboro, not herein repealed, shall remain in force until specially repealed by the General Assembly of this Commonwealth.

§ 114. The jurisdiction of the mayor and common council, and all other officers of the city of Owensboro, shall extend for one half mile beyond the limits of the city.



§ 115. No by-laws or ordinances of a penal nature shall be passed by the mayor and council without being publicly read at one meeting, and laid over until the next regular meeting, and again publicly read, when the vote upon the passage of same shall be by the yeas and nays and entered on the record, and all such by-laws and ordinances shall take effect from and after their passage, and publication in some newspaper published in the city of Owensboro.

§ 116. To carry out the provisions of this charter the city of Owensboro may receive bequests, gifts, and donations of all kinds of property within or without the city, in fee-simple or in trust for charitable or other purposes; and may do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage, sell, lease, or otherwise dispose of same in any manner not forbidden by general law.

§ 117. The records of the city of Owensboro and all bonds and contracts executed to said city are hereby declared to be public records, and to be safely preserved and kept in the mayor's office, subject to public inspection during the business hours of the day, and copies thereof, certified by the mayor or city clerk, shall be evidence in all courts to the same extent that the original would be on due proof; and the city clerk is hereby required to furnish copies of same to any person or persons desiring them, upon the payment of the fees for said copy or copies, to be prescribed by ordinance.

§ 118. This act shall be a public act, and be judicially noticed and liberally construed by all courts in this State, and in pleading it shall not be necessary to recite the by-laws and ordinances of the common council, but it shall be sufficient to refer to their date, title, and section. The rights and privileges herein granted shall not be taken away or affected by any law hereinafter made, unless the corporation herein created shall be expressly named therein; and the fact of any person being a citizen of the city of Owensboro shall not render such person incompetent as a witness or juror in any suit to which the said city may be a party.

§ 119. This charter shall take effect and be in force from and after its passage: *Provided*, That the assessment and levy for 1882 shall be made as required by the charter now in force, and the election therefor shall be held on the first Monday in April, 1882.

§ 120. All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 18, 1882.

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#### CHAPTER 462.

AN ACT for the benefit of Lloyd Abell, committee of Francis Murphy, a pauper idiot.

WHEREAS, An inquest was held by the county judge of Marion county on Francis Murphy, a pauper idiot, on the 12th day of September, 1880, and a jury so found her to be, and appointed Lloyd Abell as committee to take care of and provide for said idiot, and he has expended seventy-five dollars per year for said idiot, and the papers of the inquest having been lost, and no other inquest held; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of one hundred and one dollars and sixty-six cents in favor of Lloyd Abell, committee for Francis Murphy, a pauper idiot.

§ 2. This act to take effect from its passage.

Approved March 18, 1882.

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#### CHAPTER 463.

AN ACT to amend charter of the town of Nebo.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the marshal of the town of Nebo, in Hopkins county, shall have all the jurisdiction and powers in civil and criminal matters, within the limits of Hopkins county, that are conferred by existing laws upon constables in this State. He shall be liable as constables are now liable, and shall receive the same fees that they receive for similar services.

§ 2. Before exercising the jurisdiction conferred by this act, the marshal of the town of Nebo shall be required to renew his bond, giving such sureties as may be approved by

the judge of the Hopkins county court, said bond to be conditioned as now provided by law.

§ 3. This act to take effect from its passage.

Approved March 18, 1882.

CHAPTER 464.

AN ACT to legalize the action of the Washington county court in levying an ad valorem tax for county purposes at its October term, 1881.

WHEREAS, The Washington county court at its October term, 1881, levied an ad valorem tax of sixteen and one half cents on each one hundred dollars of the taxable property of said county for county purposes for the year 1882; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the levy of said tax by said county court is hereby made legal.

§ 2. That the sheriff of Washington county, or the collector of the State revenue of said county for 1882, shall collect said tax, and for the faithful performance of his duties he and his sureties shall be liable on his general bond, and he shall account for and pay over said tax as sheriffs are required to pay over the county levy.

§ 3. The collector of said tax shall, for his services, be allowed the same fees as he is allowed for collecting the State revenue.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

CHAPTER 465.

AN ACT for the benefit of James D. Smith, trustee of Allen Spurlock, of Laurel county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor be, and is hereby, directed to draw his warrant on the Treasurer in favor of James D. Smith,

## LAWS OF KENTUCKY.

trustee of Allen Spurlock, a pauper idiot of Laurel county, for the sum of \$37.50.

§ 2. This act to take effect from and after its passage.

Approved March 18, 1882.

## CHAPTER 466.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in Pulaski county south of the Cumberland river, and east of the South Fork river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors, or any mixture thereof, in Pulaski county south of the Cumberland river, and east of the South Fork river, and the county court of said county shall not grant license to any saloon or tavern, with the privilege of selling such liquors within such part of said county.

Fine.

§ 2. Any person violating the provisions of this act shall, upon thereof before a justice of the peace, the judge of said county, or upon indictment of a grand jury, be fined in any sum not less than twenty-five nor more than one hundred dollars.

§ 3. Any male person who may be placed in the county jail on a *capias pro fine*, for failure to pay any fine adjudged against him under the provisions of this act, shall be put at hard labor on the streets of the town of Somerset or public highway of the county, or upon any public building in the county, under the control of the jailer during the period of his confinement, as now provided by law in such cases.

§ 4. This act shall take effect from its passage.

Approved March 18, 1882.

## CHAPTER 467.

AN ACT to incorporate the Jackson Route Bridge Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporators.

§ 1. That Samuel H. Jenkins, Thomas H. Corbett, W. K. Ackerman, E. T. Jeffery, and William H. Green, and their associates and successors, are hereby constituted and declared

a body-corporate forever, under the name of the Jackson Route Bridge Company, with power to sue and be sued, to contract and be contracted with, and with all other powers, rights, and privileges usually incident to corporations. Style.

§ 2. Said Jackson Route Bridge Company is hereby empowered and authorized to locate, build, construct, and maintain, in the manner and form prescribed by act of Congress of the United States, a bridge across the Ohio river from the Kentucky shore to the Illinois shore, at any point within eight miles of the mouth of the Ohio river; and said company is hereby clothed with all the powers, rights, privileges, and franchises necessary for the carrying out of the purposes named herein; and is empowered to purchase or lease and hold all the land that may be necessary for the purposes of said company for the said bridge, and for piers, abutments, anchor pits, and approaches; and if it cannot agree upon terms of purchase or lease, said company shall have the right and power to acquire such land as may be necessary to carry out the purposes of this act by condemnation, and may cause such land to be condemned in the manner herein pointed out. Purposes.

Whenever said company shall desire to have any land condemned for the purposes named in this act, said company shall file a petition in the Ballard common pleas court, or in the Ballard circuit court, and the proceedings under said petition shall be carried on, as near as may be, as in actions at law; and warning orders against non-resident or absent owners of land described in the petition must be published three times in some weekly newspaper published in Ballard county; but if no weekly newspaper is published at the time of the issuing of said warning orders in Ballard county, then they shall be published in a Paducah weekly newspaper, the last publication thereof to be at least ten days before the empaneling of the jury hereinafter mentioned. The owners of different tracts or parcels of land may all be included in the same petition, or each may be proceeded against separately. The issues formed upon the said petition shall be tried by a jury as other cases at law are tried in said courts, and shall have precedence upon the docket as soon as the parties are before the court. The jurors shall be sworn truly and impartially to ascertain and determine by their verdict the amount of compensation each owner is entitled to as damages for the condemnation of so much of his land as is alleged in said

petition to be necessary for the purposes named in this act. The court in which a petition under this act is filed shall assign a day for the trial of the case as early as practicable after the parties are in court; and upon the return of the verdict, the court shall enter its judgment, vesting in said company the title to the land described in the petition, and said judgment shall take effect upon the payment into court by said company of the amount of money named in the verdict; and if the amount so named shall not be paid within thirty days from the rendition of said judgment, the said petition shall be dismissed, and the said judgment vacated.

Capital stock.

Directors.

§ 3. The capital stock of said company shall be five millions of dollars, divided into shares of one thousand dollars each. The said Samuel H. Jenkins, Thomas H. Corbett, W. K. Ackerman, E. T. Jeffery, and William H. Green are hereby constituted the first directors of said company, to hold the office of directors until their successors shall be elected by the stockholders of said company. Any three of said directors may, after giving ten days' notice of the time and place of opening books for subscription, proceed to organize by electing a president and secretary, and may open books for subscription to the capital stock of said company, and whenever one hundred thousand dollars of the capital stock is subscribed, the stockholders may elect five directors, who shall thereupon succeed the directors named in this act. The directors so elected may adopt any by-laws for the management of said company and its business, not inconsistent with the laws of this State or of the United States. The said company is hereby empowered to acquire and hold so much land in Illinois as may be necessary for carrying out the purposes of this act, in pursuance of the laws of that State. The said company may, at any time, by by-laws, increase the number of directors of said company.

May borrow money.

§ 4. The said company may borrow any amount of money, not exceeding the amount of its capital stock, for carrying out the purposes of this act, and may mortgage its property and franchises to secure the payment of the same upon such terms as it may deem proper; and said company may lease its property and franchises to any railroad company terminating on either shore of the Ohio river within the limit of eight miles from the mouth of said river; and if deemed advantageous to the carrying out of the purposes of this act.

said company may become consolidated with any other corporation created by the laws of Illinois for the purpose of erecting and maintaining a bridge across the Ohio river within the limit aforesaid, upon such terms as may be agreed upon: *Provided*, That said Jackson Route Bridge Company shall continue after such consolidation, to be subject to the laws of this State, in the same manner that it would have been if it not been consolidated.

§ 5 The notice of the time and place of opening books for subscription mentioned in the third section of this act shall be published in a newspaper in Paducah, Kentucky, and in a newspaper in Cairo, Illinois. Notice.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

#### CHAPTER 468.

AN ACT to incorporate the Eureka Transportation Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That James McGrain, Jacob Hoertz, Edw. F. Madden, J. J. Fisher, and B. H. Young, citizens of Kentucky, and their associates, successors, and assigns, be, and are hereby, incorporated, by the name and style of the Eureka Transportation Company; and shall by such name have a perpetual succession, with all the rights and privileges of a body-politic and corporate; to contract and be contracted with, sue and be sued; to have and use a common seal, and the same to alter and amend at pleasure; to have full power to acquire, purchase, and hold real estate, by purchase and condemnation or gift, for corporate purposes or otherwise; to acquire in the same way rights of way in or through or around the city of Louisville and county of Jefferson for the purposes hereinafter set out.

§ 2 Said corporation is hereby granted the right and privilege to build, excavate, and construct, maintain and operate, a water-tight tunnel along and under the present grade of the Louisville wharf property, under the line of high water from Second street to Eighth street, and an open or closed, or part open and closed, tunnel from First street, in the city of

Louisville, Kentucky, to the depots, at or near to the corners of Fourteenth and Main, or any point north of Main at or near to Fourteenth street; and to operate above ground, so far as it may be necessary to make grade connection with roads coming in on a grade with the streets, at Fourteenth street, or west thereof, with power to extend their lines to the western limits of the city of Louisville; and build, construct, and operate therein and thereon a line of railway tracks for the use of transfer companies, themselves, and such railroads, steamboats, merchants, individuals, or themselves, as they may contract with, or assign the right of use to, for the transportation of passengers by steam, animal, or other power, as they may find best conducive to the wants of the passenger and freight trade of and from Louisville, and from and to the various roads to, from, or through the city of Louisville.

§ 3. Said corporation shall, if the work on said tunnels and tracks be commenced within one year from the passage and approval or taking effect of this act, commence the work, and shall finish the same within five years thereafter, and have the exclusive rights hereinbefore set out for the period of twenty years from the completion thereof.

§ 4. Said corporation shall have the right, by and with the consent of the general council of the city of Louisville, to use the right of way to such streets, and to cross such streets and alleys, or such portions of the city wharf or other property of the city of Louisville as may be necessary, within the limits of said city hereinbefore named, as the interests of said corporation may require, under such conditions and restrictions as may be agreed upon between said corporation and said general council: *Provided, however,* That at no point from First street to Tenth street shall said company rise to the grade of the streets crossing its line; and wherever said tunnel is not completely arched over as a water-tight tunnel, then said corporation shall bridge the same on a grade with the street to the width of the street crossing their open tunnel.

§ 5. Said corporation shall have the power and may acquire such rights of way and ground as may be needful to the interests thereof, and establish such depots, buildings, &c., as they may deem necessary for depots, warehouses, &c., or as their interests may require, and shall have the right to connect such tracks of railroads coming in, through, or to the city of Louisville, or with such tracks, &c., as any steamboat,



individual, or other corporation as they may contract with, may wish to use for the transportation of such freight, passengers, &c., as they shall be applied to may grant, and to make contracts with the various railroads as may be contracted with for transportation, transfer, or carrying freight, passengers, or cars from such points on the line operated by this aforesaid corporation as at and for such prices as may be agreed on: *Provided*, Where full car-loads loaded outside of the property or right of way of this corporation shall not be charged more than \$—— per car-load for transporting or transferring by other power than that furnished by this corporation.

§ 6. Said corporation shall have the power to connect its track or tracks, as may be determined by said corporation, with the track or tracks, grounds, buildings, and depots of any and all railroads that may now or hereafter terminate in said city.

§ 7. The corporators as named in the first section of this act shall be *ex officio* directors of said corporation, and shall serve until their successors shall have been duly elected and qualified as in this act provided; and said corporation may pass such by-laws as may not be in conflict herewith, and therein regulate the number of directors and officers, and who said officers shall be.

§ 8. The capital stock of said corporation shall be \$500,000, with power to increase the same to \$1,500,000, the shares of which shall be not more than \$1,000 nor less than \$100 each, as the directors may determine.

§ 9. Said corporation shall have power, whenever it shall contract to borrow money, by and through a vote of its board of directors, direct and order its president and secretary to make, execute, and deliver as security therefor such mortgage, bonds, coupons, &c., on such times and such terms as the said board may deem necessary by their resolution on the real estate, rights of way, grounds, depots, and franchises as in said resolution directed.

§ 10. This act shall take effect from and after its passage.

Approved March 18, 1882.

## CHAPTER 469.

AN ACT to provide for the re-organization, maintenance, and supervision of common schools in the town of Catlettsburg and vicinity.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

*District.*

Boundary.

§ 1. That hereafter the Catlettsburg common school district shall be bounded as follows, viz: Beginning at the mouth of the Big Sandy river: thence on the river to a point opposite the lower alley in Hampton City, being the lower or north side of said town as laid off; thence to and with said alley, crossing the turnpike and continuing a straight line to the top of the hill; thence with the ridge to Barbecue branch; thence with the ridge west of said branch, so as to include the Barbecue hollow, to Catlett's creek; thence a straight line to the top of the ridge north of Catlett's creek; thence with said ridge to the head of the branch just above J. W. Mullan's; thence a straight line, so as to include the property of J. W. Mitchell, to the Ohio river; thence up the Ohio river to the beginning.

*Common School.*

Common school established—term of, who entitled to benefits of.

§ 2. A common school is hereby established, and in said district shall be taught for not less than five nor more than ten months of each year, at which all white children between the age of six and twenty years residing therein shall receive instruction without any charge therefor.

Control vested in board of education.

§ 3. The exclusive management, regulation, and control of said school, and of the school fund received from the State or nation, and of the fund raised by taxation under this act, shall be vested in a board of education, to be composed of six persons.

Members and qualifications.

§ 4. The members of said board of education of Catlettsburg shall possess the qualifications of voters of said district, and shall be a body-politic and corporate, under the name of the board of education of Catlettsburg.

*Elections.*

When and where held.

§ 5. On the first Saturday in July, 1882, and biennially thereafter, between the hours of 9 A. M. and 6 P. M., at the county court-house in Catlettsburg, an election shall be held for members of the board of education.

§ 6. At the elections provided for herein all white qualified voters, and any widow or maid who is a tax-payer, or who has children between six and twenty years of age, and, excepting sex, qualified to vote, and being citizens of said district, shall be voters therein.

Who entitled to vote.

§ 7. At the first election for members of the board of education the three persons receiving the highest number of votes shall hold office for four years, and the three persons receiving the next highest number shall hold office for two years; and each shall continue in office until his successor is elected and qualified. Each second year thereafter, at the time, place, and manner herein designated, an election shall be held for three members of the board of education, to serve four years.

How elected, term of office.

§ 8. All elections under this act shall be held by the board of education, or any three of its members, or three other persons, to be appointed by it. If one of either class of them fail to attend, the two attending may appoint another person to act in his stead. Any member of the board who shall be a candidate shall not be eligible to act as an officer of an election hereunder.

By whom election held.

§ 9. If an election is held by the board of education, or any three of its members, they shall act under their oath of office; if by persons appointed by the board, such persons shall take an oath before, and to be administered by, the chairman of the board, that they will support the Constitution of the United States and of the State of Kentucky, and be faithful and true in their allegiance to each, and faithfully, impartially hold and make returns of the elections about to be held. Two of said board, or those appointed by it, shall be the judges at said election, and its secretary or one of their members the clerk of said election. The secretary shall prepare a poll-book, on which shall be entered the names of all persons voting and voted for, and figures showing the number of votes cast for each person being voted for on each page. Each page shall be signed by the clerk. At the end of the poll-book the judges and clerk shall make and sign the usual certificate showing the whole number of votes cast for each candidate.

How held.

Poll-book.

§ 10. Within three days after said election the poll-books and certificate thereto shall be returned by said judges and

How returned and kept.

clerk to the board of education and kept by them as part of their records.

**Certificate of election.** § 11. Within ten days thereafter the board of education shall deliver to each person elected a certificate of his election, signed by the chairman and attested by the secretary of the board.

**Oath of office.** § 12. Within ten days thereafter each person receiving such certificate shall make oath or affirmation before the chairman of the board of education, or any one authorized to administer an oath, to meet faithfully and honestly discharge the duties of his office as member of said board of education, which oath shall be upon or annexed to said certificate, and be filed therewith as a part of the records of said board.

**To execute bond.** § 13. Within seven days thereafter all the members so elected and qualified shall execute bond, before the board of education, conditioned for the faithful performance of their duties as members of the board of education of Catlettsburg, and for the payment of all school funds coming to their hands to the persons entitled thereto, which bond shall be recorded in the minutes of the board.

#### *Board of Education.*

**Powers of.** § 14. The board of education of Catlettsburg shall have power to contract, sue, and plead as a person; to levy and collect a tax of not exceeding fifty cents upon the one hundred dollars' worth of taxable property; to receive and invest bequests and donations made to said school; to receive and invest all sums of money derived from the State or nation in aid of common schools; to receive all moneys and property belonging to said school, or to the trustees of the Catlettsburg common school district, or to the board of education of the Catlettsburg common school district; to sell, convey, and convert to school purposes the old brick school-house and lot; to purchase and receive conveyance of such lots of land as may be necessary to the conduct of the Catlettsburg common school; to erect such buildings as may be necessary for the Catlettsburg common school; to appoint members to fill all vacancies in office; to appoint a secretary, collector, treasurer, assessor, janitor, examiner of teachers, superintendent of schools, examiner of pupils, and fix the salaries of each; to expend the school funds as received by them for school purposes; to establish and control necessary common schools;

to regulate and prescribe rules for the government of the same; to prescribe course of study therein; to examine or cause to be examined teachers; to reprove, dismiss, expel, or suspend any teacher, secretary, collector, assessor, janitor, examiner of teachers or pupils, treasurer, or superintendent of schools for inefficiency, neglect of duties, immorality, or violation of duty; to prescribe text-books; to fix the number of departments in said schools; to grade the schools under their charge, and to regulate the progress of scholars from grade to grade, and department to department; to provide text-books for indigent scholars, to be used in said school; to take bonds from, and administer oaths to, members of the board of education, and take bonds from the officers appointed by it; to issue bonds and assume indebtedness, not exceeding ten thousand dollars; to purchase sites for and build necessary school buildings, and for school furniture and apparatus; to direct, by resolution, the payment of all moneys that shall come to the hands of the treasurer; to select sites for school-houses, and plans for school-house, and superintend the building and furnishing of same; and to pay for land and houses and furniture, and all other expenses of the school by them under their control from school funds in their hands; to admit to the benefits of said schools non-resident pupils and pupils not embraced in the school laws, and to charge tuition therefor; to adopt, by resolution, such parts of the common school law of Kentucky as they may choose as a part of the laws for the government of the Catlettsburg common schools, which laws, when so adopted, shall be a part of this act, and be treated, held, and taken as such by all persons; to make by-laws and rules for the government of the board and schools; to enlarge the boundary of the district when necessary by consent of the county common school commissioner; and such other power as shall be necessary and proper to effect the objects committed to their charge.

§ 15. It shall be the duty of the board of education to select and purchase suitable and convenient sites for a school-house or houses; to erect school-houses thereon, and furnish the same; to employ teachers, and cause schools to be taught therein; to superintend, regulate, and control the same; to assess, so far as authorized by law, a tax sufficient to erect a school-house or houses sufficient for the accommodation of the

Duties of board.

pupils of the district, and to furnish the same; and to pay a sufficient number of teachers therein, and the miscellaneous expenses of the schools; to care for and control the school buildings, furniture, lands, property, and funds; to receive, collect, and expend all donations or school funds, and to invest any sufficient surplus thereof; to dispose of any personal property unfit for school purposes, and supply its place; to keep a record of their proceedings; to appoint suitable persons to fill all vacancies in office; to elect a president of the board, and to appoint all necessary officers and teachers; to select text-books, and furnish a course of study; to regulate, govern, and control the schools; to take sufficient bonds from all its appointees, who shall have the control of money or property; no member to be interested in the sale of books, stationery, school furniture or supplies, or agent for the sale of the same; to prevent the teaching of any denominational or sectarian teaching or doctrines in the public schools; to fix salaries; to superintend, remove, or expel any teacher, officer, or pupil for public immorality, disorderly conduct, misconduct, inefficiency, or neglect of duty; to cause the school children of the district to be enumerated; to make to the board of trustees of the town of Catlettsburg an annual report of the condition and resources of the common school, the number of teachers and pupils therein, and the amount and condition of school property; to confine expenditures each year to the estimated expenses for that year; to make such reports to the commissioner of common schools as district trustees are required to make, except as herein otherwise provided; to enlarge the boundary of the district, when necessary, with the consent of the common school commissioner of the county; to provide fuel for the schools, and to repair the school buildings; to assign such number of scholars to the primary, intermediate, and high schools as they may think best; to procure reports from each teacher; to settle each year with the collector, treasurer, and others holding school funds; to provide for the examination of scholars passing from grade to grade, and from school to school; to make necessary rules and regulations for the government of officers, teachers, and pupils of said schools; to take title to them and their successors in their corporate name for all school property; to surrender all school property and funds to their successor; to appoint, when necessary, a secretary of the board of educa-

tion of Catlettsburg school district (who may be one of their members), collector, treasurer of the board of education, superintendent of schools, who may be one of their number, examiner of teachers and pupils, who may be of their number, janitors, and assessor; to meet at stated times with the collector and treasurer, and other persons having control of school funds and property; and to do and perform all other necessary duties incident to the execution of the trust confided to it.

*Officers—Teachers and Employes—Chairman.*

§ 16. It shall be the duty of the chairman to preside over all meetings, preserving order therein, and governing the same according to parliamentary rules and law; to make all reports required of the board, at its direction and in its name; to sign and verify all reports from the board; to sign the record of its proceedings; to make the report required by section 8, article 5, chapter 18, of the General Statutes, to the Superintendent of Public Instruction, who shall certify the amount due said district to the Auditor of Public Accounts, and he shall draw his warrant on the State Treasurer in favor of the treasurer of the board of education as therein required; and to do and perform all other duties incident to his position, or that may be prescribed by the board of education. Duties of.

*Secretary.*

§ 17. It shall be the duty of the secretary of the board of education to keep a true record of the proceedings of the board of education; to charge the collector with the amount of taxes which, at the rate assessed, would be collectable upon the amount shown by the assessor's book for each year; to open and keep an account with the collector, treasurer, or other person having school funds or property due the board; to keep a bond and interest account and payments thereon; to keep a cash and an expense account; and to copy and attest all orders of the board of education allowing money; to preserve the records, books, and papers of the board of education; to copy all bonds taken by the board in the proceedings of the board, and to file the original; to charge the treasurer with the amount of each receipt by him to the collector, when presented by the collector, and credit the collector with the same; to charge all other sums or property received by Duties of secretary.

the treasurer or all other persons to him or them; and to perform such other duties as he may, from time to time, be directed by the board to do.

*Collector.*

§ 18. It shall be the duty of the collector of taxes for the common school district of Catlettsburg to receive from and receipt to the assessor for the assessor's book for said district, and to at once make up therefrom his tax-list, and collect the same, and pay one third of the taxes to the treasurer of the board of education, on or before the first day of September, one third on or before the first day of November, and the residue on or before the first day of January next after receiving said assessor's book. He shall take from said treasurer receipts for the amounts so paid, and upon presentation thereof to the board of education shall be allowed as compensation ten per cent. on the first one thousand dollars, eight per cent. on the second one thousand dollars, six per cent. on the third one thousand dollars, and four per cent. on the fourth and each succeeding one thousand dollars so collected and paid over by him. It shall be the duty of the collector to list property for taxation omitted by the assessor. The said collector is hereby authorized and empowered to levy upon and distrain the goods, chattels, lots, lands, and tenements of the person bound therefor for the collection of the taxes herein imposed when due, upon the failure of the person bound therefor, or his agent, or the ticket or station agent of any railroad or street railroad company, or the toll-gate keeper of any turnpike company, or bridge company, to pay the same; but he shall first notify such persons or agents or toll-gate keeper of the amount of said taxes, and of his intention to distrain therefor. If he fail to give such notice, he and his sureties shall be liable to double the amount of taxes in damages. If the collector can find no personal property in said district upon which to levy for the collection of the taxes in his hands imposed by this act, then he may give to the person, or his agent, or the ticket or station agent of any railroad company, or street railroad company, or to the toll-gate keeper of any turnpike company or bridge company, owing the taxes, if in said district, and to any person believed by the collector to be indebted in money or property to the person or company

Duties of collector.

When to pay over taxes.

Compensation.

Power of collector.

Penalty.

May attach for taxes.



owing the taxes, where he may be found, or cause the same to be done by any person authorized by law to execute notices, written notice of, 1st, the amount of the tax, and the person or company owing it; 2d, to not pay or deliver to such person or company any money or property to that amount which he now owes or may thereafter owe to such person or company; 3d, to appear before the Boyd county court, on the first day of its next term, to show cause why he, it, or they shall not be adjudged to pay the said taxes, and the costs of the proceeding. This notice shall be signed by the collector, and such proceedings shall be had thereon as are authorized by article nine, chapter ninety-two, of the General Statutes. If the collector can find no personal property out of which to make said taxes, then he is empowered to levy therefor upon any land, lot, or other real estate or interest therein owned by the person or company owing such taxes, situated in said district, as sheriffs are empowered to do under chapter ninety-two of the General Statutes of Kentucky; and thereupon the same proceedings shall be had in advertising and making said sale and report and return thereof, and to redeem the property sold; in giving a certificate of the sale to the purchaser; filing such certificate by the purchaser; and the clerk of the Boyd county court shall perform such services; and the records, certificate, and returns shall be evidence as provided in chapter ninety-two of the General Statutes; and the collector and clerk, &c., shall receive the same fees, and be under the same liabilities, as therein provided and imposed, except as to the time when said levy may be made. For any failure in collecting said tax, or payment thereof, or any installment thereof, said collector and his sureties shall be liable therefor, with interest from the date upon which it was due from the collector, and for costs, for which said board of education is authorized to bring suit in any court of competent jurisdiction.

May levy on  
land, &c.

Liability for failure  
to collect and  
pay over.

§ 19. It shall be the duty of the treasurer of the board of education to receive and safely keep, and pay out on the order of the board of education, and keep a just and true account of all school funds; to make such report of amounts on hand received and paid out as the board of education may, from time to time, require; to settle his account with said board when called upon; to receipt to the proper authorities for all sums coming to his hands; to collect all drafts, checks,

Duties of treasurer.

Liability for failure to pay over.

and warrants for school funds, and to do and perform such other duties as may be necessary and proper for the efficient discharge of his duties. For any failure to discharge any of the duties herein imposed, the treasurer and his sureties shall be liable to an action upon his official bond for all damage occasioned thereby. For any failure to account for and pay over any sum in his hands upon the order of the board of education attested by the secretary, he shall, together with his sureties, be liable to an action for the amount thereof, with interest from the day of a demand of payment of such order in the name of the owner of said order or fund.

#### *Superintendents of Schools.*

Duties of superintendent.

§ 20. It shall be the duty of the superintendent of schools to visit each of the schools at least once in each week, and under the board superintend the teacher in the performance of all their duties, and to perform such other duties as the board of education shall from time to time direct.

#### *Examiners of Teachers.*

Duties of examiners.

§ 21. It shall be the duty of the examiners of teachers to at once and thoroughly examine all applicants for position as teacher in said schools, who may be referred to them by the board of education, in all the branches taught in said schools, and giving a certificate showing the proficiency in each study of the applicant, and the average standing in all the studies; to not give, withhold, or refuse a certificate to or from any teacher on account or because of her or his religious or political opinion or belief, or wealth or poverty, or for fear, favor or affection; to not give a certificate to any person known to them or either of them to be guilty of any lewd, lascivious, unbecoming, immoral, disorderly, or unlawful conduct, and to do such other duties as may be prescribed from time to time by the board of education.

#### *Examiner of Pupils.*

Duties of examiners.

§ 22. It shall be the duty of examiners of pupils to thoroughly and speedily examine all pupils presented to them for examination by the board of education or by any teacher under the orders of the board upon the studies in which they have been last taught, and give to them a certificate showing their proficiency in such study, and their average proficiency in all branches taught therein, and their qualification to pass

from the grade or school in which they have been taught to a higher grade or school; to not give, refuse, or withhold a certificate to any pupil on account or because of his or her religious or political opinions or belief, or wealth or poverty, or from fear or favor or affection, or for any reason except proficiency or want of same in learning, and to do and perform such other duties as may be prescribed by the board of education.

*Teachers.*

§ 23. It shall be the duty of the teachers to faithfully, impartially, and without fear, favor, or affection, teach and control the pupils in their charge; while in their charge to be punctual in attendance and in having recitations; to teach the time required by law; to make known to the pupil the rules and regulations for the school; to report upon the highest, lowest, and every attendance, the number of days taught, and in case of the principal teacher, the whole number of scholars enrolled, to the board of education, and upon all other matters as the board may require; to not teach any sectarian or denominational doctrine or tenet in the schools; to not be guilty of any lewd, lascivious, immoral, or unlawful conduct or behavior, and perform such other duties as teachers which the board of education may prescribe.

Duties of teachers.

*Janitors.*

§ 24. It shall be the duty of the janitors to keep the school buildings, grounds, rooms, and furniture and property clean and in good order; to preside over the same; eject intruders and loafers from the premises; to keep up the fires; to report necessary repairs, and such other matters as the board of education may require; to protect the books and apparatus of the school and pupils when the school is not in session; to preserve the wraps and property of the pupils and teachers when the school is in session; and to do such other duties as the board of education may require them to perform. In the employment of janitors, the board of education shall give preference to pupils of the school, when competent, and among pupils, to the most needy and worthy.

Duties of janitor.

Preference for janitors.

*Assessor.*

§ 25. It shall be the duty of the assessor to assess all property subject to taxation under this act, and when the owner

Duties of assessor.

or operator thereof, or agent therefor, or station agent or ticket agent of a railroad company, or street railroad company, or toll-gate keeper of a turnpike company or bridge company, fails or refuses to list the same, or any part thereof, for taxation, it shall be his duty to summon three sober, honest, discreet men, residents of the district, to ascertain and report to him the amount and value of such property in said district; and said assessor is hereby authorized and empowered to summon said persons, and said persons to act and report as herein required. It shall be the duty of the assessor to prepare, make, and return to the collector, on or before the first day of July of each year, a fair and legible assessor's book showing the amount and kind and value of property in said district subject to taxation, and by whom owned or operated. He shall take a receipt from the collector showing the total amount of property in said district, and upon presentation of such receipt to the board of education, he shall be allowed by it a reasonable compensation for his services.

#### *Taxation.*

§ 26. The board of education of Catlettsburg shall annually levy and cause to be collected a tax of not exceeding fifty cents upon each one hundred dollars' worth of property in said common school district belonging to white persons.

§ 27. The following property shall be listed for taxation as of the tenth of January of each year, viz:

Property subject  
to tax.

Real estate.

1. Lands, town lots, steamboat landings, and grades thereto, and houses, or any interest therein, including life estates and leases for two years or more. All railroad track, siding track, and the right of way therefor; all street railroads, and the right of way therefor; all turnpike roads, and the right of way therefor; all bridges, and the right of way therefor, within said school district, in such proportion as the whole length of such railroad track, turnpike, bridge, and right of way within said district is to the whole length of said railroad track, turnpike, bridge, and right of way in this State; and such a proportion of the value of all engines, flats, gondolas, cars, coaches, and wheel vehicles run upon either railroad or street railroad in said district by the companies owning or operating the same, as the length of said railroad or street railroad within said district is to the value of the whole number thereof so operated upon the whole length of miles of said railroad or street railroad within this State.

2. Horses, mares, colts, mules, jacks, jennets, hogs, listed dogs, cattle, all watches, clocks, gold plate, silver plate, pianos, organs, carriages, buggies, gigs, sulkies, coaches, omnibuses, wagons, and all other wheeled vehicles, harness, hay, corn, oats, wheat, flour, barrels, machinery, engines, boilers, bicycles, lumber, timber, tan-bark, hoop-poles, staves, pottery ware, castings, leather, hides, skins, pig iron, coke, and coal. Personal property.

3. All moneys, notes, bonds, and mortgages belonging to residents of said district, whenever held or kept, in excess of the owner's individual indebtedness.

4. All stores of goods, wares, or merchandise of whatever kind.

5. All steam boats, barges, wharf-boats, flat-boats, all boats used for residence or business, all ferry-boats used on the Big Sandy river or on the Ohio river opposite to said district, all ferry franchises, and all shares of stock in any such boats, barges, or ferry franchises, and all leases of ferry or wharfage franchises: *Provided*, That said steam-boats, barges, wharf-boats, flat-boats, residence or business boats, ferry-boats are moved to the shore opposite to said district, or such boats, or the shares of stock therein, or ferry franchises, are owned by citizens of said district, or regularly run and operated or navigated by citizens thereof under lease or charter, and from a port or landing within said district.

6. And all other property subject to taxation under the laws of Kentucky.

#### *Assessment of Property.*

§ 28. In assessing property for taxation, the assessor may take the list of taxable property from the owner of the property, or company operating the same; if the owner is not to be found, or the company operating the property in his district, then of his agent, or of any ticket or station agent of any railroad company or street railroad company, or of the toll-gate keeper of any turnpike company or bridge company; and if the owner or agent or operator fail or refuse to give in to him a list of the taxable property of such railroad company, street railroad company, turnpike company, or bridge company, then he shall summon three sober, discreet, honest men residing in said district to ascertain and report to him what property, and the value thereof, belonging to any such owner of property or company operating the same,

is situated in said district; but before said three men act they shall take an oath before the assessor, which he is hereby authorized to administer, to honestly, diligently, and faithfully inquire and report the amount and value of such property in said district; or the assessor may take the amount and value of such or other property from the last year's assessor's book for said district, or from the assessor's book for Boyd county, or from the assessor's book of the town of Catlettsburg, or ascertain the amount and value of such property in the district from the last accessible copy of the report of the railroad or other commissioner or officer appointed by the State or the county to ascertain and fix the amount and value of such property, or either, or from such commissioners or officers, or from either of them.

*Collection of Taxes.*

§ 29. The taxes herein imposed shall be a lien upon the property of the person or company owing the same situated in said district. The assessor's book shall be delivered to the collector on or before the first day of July of each year, and he shall at once make up therefrom his tax-book, and proceed to collect the taxes. Said taxes shall be due and distrainable on and after the 10th day of July of each year. Said taxes shall be due and collectable from the collector and his sureties, by suit or otherwise, in installments as follows, viz: one third thereof on the first day of September of each year; one third on the first day of November of each year, and one third on the succeeding first day of January of each year, and a suit upon said bond for either installments shall not bar a suit for another installment until the whole amount has been collected.

One suit not to bar another.

*General Provisions.*

§ 30. The Boyd circuit court, or any court provided in lieu thereof, shall have jurisdiction of any action, and to impose any penalty or fine, or punishment, or imprisonment, or recover any sum or damages authorized to be imposed or recovered by this act.

Jurisdiction of actions.

§ 31. The embezzlement of any portion of the school funds or property herein provided, by any member of the board of education, any collector, or treasurer, or other persons, shall be a felony, and, upon conviction thereof, such person shall

Penalty of embezzlement.

be confined in the penitentiary of Kentucky for not less than one nor more than five years.

§ 32. All property held by the board of education of Catlettsburg, and its successors, for common school purposes, shall not be diverted from such use, and so long as used for school purposes, shall be exempt from all taxation, and from levy and sale under execution.

Property not to be diverted.

Exempt from taxation.

§ 33. No aid shall ever be given to any other school out of the funds herein provided.

No aid to other schools.

§ 34. The present board of education shall continue in office until their successors are elected and qualified as herein provided, and shall retain control of the school fund now on hand.

Present board to hold over.

§ 35. The board of education shall be supervisors of the assessor's book, and correct such errors therein as they may discover, and raise assessments to their true value; or they may appoint them supervisors for this purpose, and to this end such board or supervisors shall have the power conferred on supervisors by chapter ninety-two of the General Statutes.

Supervisor of tax

§ 36. If any bonds shall ever be used and sold under this act, they shall be sold at par, and bear not more than eight per cent. interest, payable semi-annually, and no part of the proceeds shall be used for other purposes than to buy sites for and erect school-houses thereon and furnish the same. Said bonds shall be redeemable at the pleasure of the board of education, and due in ten years, and the bonds in trust coupons, and shall be signed by the president of the board, and attested by the secretary.

Bonds.

§ 37. If bonds shall be issued for such purposes, the board of education shall each year set apart one equal half of the net sum derived from taxation as a sinking fund to pay said bonds and interest thereon.

Sinking fund.

§ 38. When the board of education shall be satisfied in any year that the increase in the value of property in said district is not sufficient to justify a new assessment thereof, they may use the assessor's book for the last preceding year that an assessment of property was made, as the assessor's book for that year; and in such year or years, for not more than five years at a time between actual assessments of property, they may appoint an assessor to assess the value of all new buildings or improvements of any kind of property taxable here-

May use same assessment of property for not more than five years.

under, and additions to buildings and personal property in said district.

May reduce as-  
essments. § 39. From the first day of July to the succeeding first day of January in any year, the board of education may, on proper proof, reduce any erroneous assessment.

Record evidence § 40. The records of the board of education, or copies thereof, attested by the secretary of the board, shall be received as evidence in all the courts of this Commonwealth.

On what certi-  
ficates may em-  
ploy teachers. § 41. The board of education may employ any teacher in said school who holds a certificate as teacher issued under any law of this State, or under the law of any other State or foreign country.

Quorum. § 42. A majority of the board of education shall constitute a quorum; and a majority vote shall be necessary to order the appropriation of money.

Commissioner to  
pay over. § 43. The common school commissioner of Boyd county, or other officer or person, shall pay over, on the order of the board of education, all money received by him for school purposes within said district, except such as may be exclusively devoted to the education of children other than white.

Laws adopted. § 44. When any law is referred to herein to show the extent of the power or authority conferred upon any of the officers named by this act, said law shall be treated and held to be as such a part hereof as if incorporated herein.

Commissioner  
no power to  
change district. § 45. The common school commissioner shall not have power to change the district hereby established, or to detach any territory hereafter annexed thereto.

How violators of  
election laws  
punished. § 46. Any person who shall, at any election under this act, violate the election laws of Kentucky by doing, or aiding to do, or offering to do, or failing or refusing to do, any act, shall be liable to the punishment therein imposed.

Penalty on as-  
sessor and col-  
lector. § 47. The said collector and assessor shall have all the powers and rights, and be subject to the same liabilities, penalties, and punishments, as are sheriffs and county assessors by the laws of Kentucky for offenses committed by them in listing and returning property and collecting taxes.

Repeal. § 48. All laws in conflict with this act are hereby repealed.

When take effect § 49. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.



## CHAPTER 470.

AN ACT for the benefit of R. M. Kenney, administrator of Victor M. Kenney, deceased.

WHEREAS, It appears to the satisfaction of the Committee on Claims, from official surveys of the county surveyor of Bourbon county, Kentucky, and the affidavits of others, that one Victor M. Kenney, deceased, late of Bourbon county, Kentucky, did, by mistake, pay State taxes from 1867 to 1881, inclusive, on four hundred and fifty acres of land in said county, when in reality he had only four hundred and six and three fourths acres; and whereas, he thereby paid the State during that time one hundred and two dollars and seventy-one cents in excess of what was in fact due from him; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury of this Commonwealth in favor of R. M. Kenney, administrator of Victor M. Kenney, for ninety-nine dollars and fifty cents, to be paid out of funds not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

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CHAPTER 471.

AN ACT to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved March 3, 1870, prohibiting policemen and police officers of said city interfering with or soliciting the employment of counsel or attorneys at law in cases, prosecutions, &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act establishing a new charter for the city of Louisville," approved March 3d, 1870, be, and same is hereby, amended as follows: It shall be and is hereby, unlawful for any policeman or police officer of said city to directly or indirectly interfere with or solicit the employment of counsel or any attorney at law, either in the prosecution or defense of any case, prosecution, or claim or cause of action pending in any court, or in the prosecution or

defense of any matter or claim or cause of action which is or may be the subject of a suit, defense, cause of action or prosecution.

§ 2. Any policeman or police officer violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum of not less than twenty nor more than two hundred dollars, and the office of said policeman or police officer shall be declared vacant by the court before which the conviction is had.

§ 3. Nothing in this act shall prohibit such policeman or police officer employing counsel and attorneys in cases and matters affecting themselves and families.

§ 4. This act shall take effect from its passage.

Approved March 18, 1882.

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#### CHAPTER 472.

AN ACT to regulate the collection of toll on turnpikes in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all persons going to and from their usual place of worship for the purpose of attending church, and all persons going to and from the school they attend when in attendance upon school, shall be permitted to travel upon all turnpike roads in Henry county without paying toll.

§ 2. This act shall take effect and be in force from its passage.

Approved March 18, 1882.

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#### CHAPTER 473.

AN ACT for the benefit W. T. Shaw, of Jefferson county.

WHEREAS, W. T. Shaw, of Jefferson county, paid to the Commonwealth of Kentucky, through the clerk of the Jefferson county court, the sum of fifty dollars, State taxes to keep a tavern in said county; and whereas, no license was ever granted to him by the city of Louisville, and said Shaw was deprived of the privilege of keeping a tavern; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor

of W. T. Shaw for the sum of fifty dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 18, 1882.

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CHAPTER 474.

AN ACT to amend an act, entitled "An act to incorporate the town of New Roe."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the police judge of New Roe, in Allen county, shall have concurrent jurisdiction with the county judge and justices of the peace of Allen county of all cases, criminal as well as civil and penal, which may occur within the county of Allen.

§ 2. That section nine of said act be amended by inserting after the words "police judge," in the second line thereof, the words "judge of the Allen county court or any justice of the peace of Allen county."

§ 3. This act shall take effect from and after its passage.

Approved March 18, 1882.

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CHAPTER 475.

AN ACT for the benefit of H. A. Witherspoon and others.

WHEREAS, The time served by the jury in the case of Thomas M. Green against Thomas F. Hargis, a period extending from February 4th, 1880, to June 4th, 1880, or in all more than seventeen weeks, equals the average time required of citizens of this Commonwealth for service on juries; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That H. A. Witherspoon, Joseph Gault, W. C. Priest, W. L. Murphy, Henry W. Barrett, Joseph Enders, R. C. Hill, Henry Winter, Joseph H. Otter, J. T. Campbell, R. C. Miles, and Wm. C. Kendrick, who composed the jury, be, and they are hereby, exempted from jury service in this Commonwealth

for a period of ten years from the date of the passage of this act.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1882.

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#### CHAPTER 476.

AN ACT for the benefit of Christina Kruse, of Louisville, widow and administratrix of the estate of Herman Kruse, deceased.

WHEREAS, Herman Kruse, of the city of Louisville, paid to the Commonwealth of Kentucky, through the clerk of the Jefferson county court, the sum of fifty dollars, State tax to keep a coffee-house, and died a few days after paying the same, never having obtained his license from the city of Louisville, and being deprived of the privilege of keeping a coffee-house; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant in favor of Christina Kruse, widow and administratrix of Herman Kruse, deceased, for the sum of fifty dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 18, 1882.

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#### CHAPTER 477.

AN ACT to empower trustees of school district No. 4, Cross Roads, Rowan county, to levy a tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustees of school district No. 4, Cross Roads, Rowan county, are hereby empowered to levy a tax to pay Charles Bailey the sum of twenty-five dollars for lumber used by them in building school-house in said district No. 4.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1882.

CHAPTER 478.

AN ACT to repeal section one of an act, entitled "An act for the benefit of James M. Tucker, Thomas Allen, Henry Hudson, and R. A. Crump, of Warren county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section one of an act, entitled "An act for the benefit of James M. Tucker, Thomas Allen, Henry Hudson, and R. A. Crump, of Warren county," approved April 9, 1878, be, and the same is hereby, repealed.

§ 2. This act to be in force from and after the first day of January, 1883.

Approved March 18, 1882.

CHAPTER 479.

AN ACT for the benefit of Ed. Clay O'Rear, of Morgan county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Ed. Clay O'Rear, of Morgan county, be relieved of the disabilities of an infant to the extent and for the purpose of allowing him to practice law, as though he were of the full age of twenty-one years: *Provided*, He shall first obtain license as now required by law.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1882.

CHAPTER 480.

AN ACT to provide for the protection of farms and crops in Sterett's Bottom, in Hancock county.

WHEREAS, The recent disastrous overflow in the Ohio river has destroyed fencing, and exposed the farms and crops in Sterett's Bottom, in Hancock county, to the depredation of stock, entailing not only great loss, but at a season of the year so late that planters cannot replace the destroyed fences in time to get in their crops; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the planters whose farms abut upon the Ohio river in said bottom to construct a fence

or wall, of such material as they may deem proper, on or near the upper line of Baird Sterett's upper place, the same on which — Swearer now lives, from his line of fence nearest the river to the lowest water-mark; also another such fence or wall on or near the lower line of Wm. H. Bowmer's place, from his line of fence nearest the river to the lowest water-mark, such fences to be constructed so as to prevent the encroachment of stock.

§ 2. It shall be lawful for said planters to erect and keep in good condition good and sufficient gates for the convenience of the public travel at the points where said fences cross the public highway.

§ 3. The said planters may, from time to time, subscribe and pay a sufficient sum of money to construct and keep in good condition said fences, which sum shall be placed in the hands of one of their number, as their agent, to be selected by a majority of them, who shall expend the same for the objects of this act, being responsible to the said planters for the faithful performance of his duties. The sum or sums thus subscribed by each planter shall be a binding obligation on the part of the subscribers, and in default of payment thereof, on demand by said agent, the said agent may institute an action and recover judgment therefor in any court of competent jurisdiction.

§ 4. If any person shall willfully or negligently destroy, break, or injure either of said fences or walls, he shall be fined not less than fifty dollars nor more than two hundred and fifty dollars, upon indictment and conviction in the Hancock circuit court.

§ 5. If any person shall willfully or negligently break down, remove, or injure any of the gates provided for in this act, or willfully or negligently leave the same open or not latched, shall be fined not less than ten dollars nor more than fifty dollars, upon conviction in any court of competent jurisdiction.

§ 6. It shall be unlawful for any person to turn out, or to permit to run at large, any stock whatever on the river front of the farms between the lines designated in this act.

§ 7. It shall be unlawful for any person to feed stock on the river bank on any of the farms between the lines designated in this act.

§ 8. Whoever shall be guilty of a violation of either of the provisions of the preceding two sections shall, upon conviction, in any court of competent jurisdiction, be fined not less than ten dollars nor more than fifty dollars, for each offense.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

## CHAPTER 482.

AN ACT to amend an act, entitled "An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Mount Sterling," approved March 7th, 1876.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section first of article six of the present charter of the city of Mount Sterling, Kentucky, be, and the same is hereby, amended so as to read as follows, viz: That any male person who is a bona fide resident of said city, and has been continuously such for one year prior to the election of city attorney and city marshal, shall be eligible to said offices in said city; but before any person can be eligible to the office of city attorney he must have been a licensed practicing attorney for two years preceding his election; and any person must have attained the age of twenty-one years before being eligible to the office of marshal for said city.

§ 2. That subsection two of section one of article six be, and is hereby, amended by inserting the term two years instead of the term one year.

§ 3. That subsection twenty-three of section fifteen of article three of said charter the words "to elect a city attorney and marshal," be, and the same are hereby, so amended as to read as follows, viz: That said city attorney and marshal shall be elected by the popular legal vote of the city of Mount Sterling, and not by the city council.

§ 4. The manner of holding the election for city attorney and city marshal shall be the same as that for the election of city judge, and the time for holding such elections shall be the same as heretofore held by the city council, and every two years thereafter.

§ 5. That section four of article six of said charter be, and the same is hereby, amended so as to read as follows, to-wit:

The city marshal shall be elected by the popular legal vote of the city of Mount Sterling, and not by the city council; and he shall hold his office for the term of two years, and until his successor is elected and qualified.

§ 6. That all acts or sections of acts in conflict with the provisions of this act are hereby repealed.

§ 7. This act shall take effect from and after its passage.

Approved March 18, 1882.

### CHAPTER 483.

AN ACT to incorporate the St. Catharine Auxilliary Society for benevolent purposes of the city of Lexington, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Incorporators.** § 1. That Malinda Harris, Jane Mason, Charlotte Haden, Sallie Brookings, Ann Green, Enoch Sanders, A. W. Knox, their associates and successors, as such as may be admitted to membership, be, and they are hereby, constituted a body-corporate and politic, under the name and style of St. Catharine's Auxilliary Society; and that the officers and members of said society shall so continue, and have perpetual succession, and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract and be contracted with, and to answer and be answered, in all courts of law and equity in this State or elsewhere; to make and have and use a common seal, and break and alter or amend the same at pleasure.

**Purposes.** § 2. The object of this corporation is to create and provide a fund for benevolent purposes, having principally in view a proper care of the sick, and burying the dead members of said society.

§ 3. Said society shall be presided over by such officers and their successors in offices, the duration of whose terms and whose duties shall be prescribed by a majority of the members of said society.

**By-laws.** § 4. The members of said corporation shall have power to pass such by-laws, rules and regulations, not inconsistent with the Constitution of the United States or of the State of Kentucky, as the safe-keeping of the property and the proper conduct and interest of the society may require.



§ 5. That said society shall have the right to take and hold, by purchase, gift, or devise, real or personal estate, to any amount not exceeding ten thousand dollars, and to dispose of and convey the same at will; and they may loan or cause to be loaned any money they may have, and collect the same by suit or otherwise in their corporate name, or transact any other business they may deem proper and right, or may have power to invest their money in stocks or bonds, and hold or dispose of the same at pleasure.

§ 6. Said society shall have the power to determine the qualifications of its members, the amount of admission fee, and such regular dues as the proper conduct of the society may demand, and shall have the power to alter and change the same as experience may indicate.

§ 7. This act shall take effect from and after its passage.

Approved March 18, 1882.

#### CHAPTER 484.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in regard to the town of Somerset."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the corporate limits of the town of Somerset shall be, and is hereby, extended so as to embrace and include the following boundary, to-wit: "Beginning at a stone in the center of Main street one half mile north north-east of the public square and at the junction of the Stanford and Crab Orchard roads; thence with the present boundary south 70 west about 60 poles, and extending same line same corner, in all 160 poles, to a stake south of the Clifty road; thence south 20 east 300 poles to a stake; thence south  $2\frac{1}{2}$  east 80 poles to an oak tree in Denham's field; thence south 20 east 128 poles to a stake near a small sycamore on the south side of Sinking creek; thence north 70 east parallel with Western Mount Vernon avenue 92 poles to a stone; thence north  $25\frac{1}{2}$  east 396 poles to a stake in Coal Bank road, 6 poles southeast from the corner of Mrs. Frances' stable; thence with said road north 30 west 42 poles to Mount Vernon avenue at the junction of the Mount Vernon and Coal Bank road; thence with old boundary and parallel with Main

street, supposed to be about 144 poles, to a stone; thence south 70 west 160 poles to the beginning.

§ 2. That the foregoing boundary shall, to all intents and purposes, be within the jurisdiction and under the operation of the laws applicable to said town, in all respects regarded as a part of said town.

§ 3. That the words "and be freeholders therein," contained in section third, and the "provision adjudging costs in favor of defendants in certain cases, and to be paid by the trustees," contained in section 24 of said act, be, and is hereby, stricken therefrom and repealed.

§ 4. Each and every act or section of act in conflict with the provisions of this act are hereby repealed.

§ 5. This act shall be in force from its passage.

Approved March 18, 1882.

#### CHAPTER 485.

AN ACT to amend an act, entitled "An act to organize and establish a system of public schools in the city of Hopkinsville for white children in said city," approved March 13, 1872.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Trustees.

§ 1. That the number of trustees for the school district created and incorporated by the act mentioned in the title of this act shall be seven instead of five, as provided in section three of the said act. The present trustees of the Hopkinsville public schools are hereby authorized and directed, as soon as practicable after the passage of this act, to appoint two suitable and qualified persons to serve with them as trustees, who, on taking the oath of office, shall be invested with full authority to act as such; and all of said trustees, including the two additional ones herein provided for, shall hold their offices until their successors are elected and qualified.

Terms.

§ 2. That the term of office of the trustees is hereby fixed at three years, and until successors are elected and qualified; and so much of section three of the said act as requires the election of trustees for said school district to be held on the second Saturday of July, biennially, be, and the same is hereby, repealed; and hereafter the election of said trustees shall be held on the first Saturday of May in each year, as the term of office of the trustees shall expire.

§ 3. That immediately after the appointment and qualification of the two additional trustees, as directed in the first section of this act, the persons then constituting the board of trustees of the Hopkinsville public schools shall, by lot, divide themselves into three classes, the first and second class each to consist of two, and the third class to consist of three of said trustees. Successors to the first class of said trustees shall be elected on the first Saturday of May, in the year of our Lord 1883, who shall hold their offices for three years, and until their successors are elected and qualified; and successors to the second class of said trustees shall be elected on the first Saturday of May, in the year of our Lord 1884, who shall hold their offices for three years, and until their successors are elected and qualified; and successors to the third class of said trustees shall be elected on the first Saturday of May, in the year of our Lord 1885, who shall hold their offices for three years, and until their successors are elected and qualified: *Provided*, That this act shall not be so construed as to prevent the re-election of any of said trustees: *And provided further*, That no colored person shall be eligible to the office of trustee, or shall be employed as superintendent of or teacher in the schools provided for in the said act. Classes.

§ 4. That section twelve of the said act be amended so as to read as follows, viz: "Sec. 12. The board of councilmen of said city shall cause to be levied and collected an annual tax sufficient for the purposes hereinafter mentioned, but at a rate not exceeding fifty (50) cents upon each one hundred dollars' worth of the same property owned by white persons that is taxed by the city for city purposes, and the rate of said taxation shall be ascertained and fixed upon an estimate of annual expenses, to be certified by the board of trustees of said schools to said board of councilmen. The assessment, levy, and collection of this tax shall be made at the same time, and in the same manner, as required by law for the city revenue; and the officer who shall collect, or whose duty it shall be to collect, the said tax shall, with his sureties, be responsible upon his official revenue bond for the same, as for other city revenue, and shall be subject to such penalties for delinquencies as are now or shall be prescribed by law in such cases. This tax shall be called and known as the school tax, and shall be payable only in money, and shall be used only for the purpose of defraying the yearly expenses of the said pub- Tax.

lic school, including repairs and improvements upon school buildings and premises: *Provided*, That it shall be the duty of the collector to execute and deliver to each person paying the said tax, and the taxes authorized by section eleven, a separate receipt therefor, and all of said taxes shall be separate from the other city funds: *And provided further*, That the giving of such separate receipts shall not entitle the collector of said taxes to any greater allowance or compensation than that fixed by law for the collection of other city taxes: *And provided further*, That only white persons and the property of white persons shall be taxed under this act."

§ 5. That section thirteen of the said act be, and the same is, so amended and altered as to require all orders on the funds mentioned in said section, in the hands of the auditor and treasurer of the city, to be signed by the chairman and at least three other members of the board of trustees.

§ 6. That section sixteen of the said act be amended so as to read as follows, viz: "Sec. 16. The board of trustees may admit into said schools white children who are non-residents of the said district, upon the payment of such charges as may be fixed by the said board; and the said board of trustees is authorized to make such rules and regulations concerning the tuition of the children of non residents of the said district, who pay taxes under this act upon property owned by them, and situated in said district, as to them may seem just and equitable; but no non-resident children shall be admitted into said schools to the exclusion of those who reside in said district."

§ 7. That section seventeen of said act be, and the same is hereby, repealed.

§ 8. This act shall be in force from its passage.

Approved March 18, 1882.

#### CHAPTER 486.

AN ACT to incorporate the Clark's River Co-operative Association, No. 228, Patrons of Husbandry of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That N. G. Edwards, C. C. Smith, D. Bean, W. F. Smith, L. E. Wilson, W. A. Grugett, and J. M. Smith, directors of Clark's River Co-operative Association, No. 228, of the

Patrons of Husbandry, and their associates and successors, be, and they are hereby, created a body-corporate, by the name and style of the Clark's River Co-operative Association, No. 228, Patrons of Husbandry of Kentucky. Style.

§ 2. And they and their successors shall continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in law and all courts of law and equity in the Commonwealth or elsewhere; to make and have a common seal, and alter or amend the same at pleasure.

§ 3. They may make and ordain rules and by-laws for their government: *Provided*, They be not in contravention with the laws of this State or of the United States. By-laws.

§ 4. That said corporation shall have power and authority to acquire and hold real estate not exceeding twenty thousand dollars at one time, and from time to time, if deemed expedient, to sell and convey the same, or any part thereof, and reinvest and dispose of the proceeds.

§ 5. No private property of any member shall be held responsible for the corporate debt.

§ 6. This act shall take effect from and after its passage.

Approved March 18, 1882.

## CHAPTER 488.

AN ACT to incorporate the town of Hyden, in Leslie county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the town of Hyden, in Leslie county, be, and the same is hereby, incorporated, and the limits of said corporation shall be one half mile from the court-house in said town in every direction. Boundary.

§ 2. That on the first Saturday in May, 1882, and on the same day in each year thereafter, there shall be an election held by the qualified voters resident in the said town five trustees in said town, who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace that they will faithfully discharge the duties of their office aforesaid. That said board of trustees shall be a body-corporate and politic, and shall be known by the name Election.  
Trustees' oath.

Style.

of the board of trustees of the town of Hyden; and by that name and style shall have power and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth.

Chairman.

§ 3. That said trustees shall elect one of their number chairman, who shall preside over the deliberations of said board, and shall have power to convene the board whenever he may deem it necessary; a majority may transact any business that comes before said board.

§ 4. That said board of trustees shall have control over the streets, alleys, and sidewalks, and may direct the opening and improvement of the same as they may deem beneficial to said town, they shall have power to make all by-laws for the regulation and good government of said town not inconsistent with the Constitution and laws of the United States and the Constitution and laws of this State; they shall have power to levy and collect a tax upon the property and tithes in said town not exceeding two dollars on each tithe, nor more than fifty cents on each one hundred dollars' worth of property in said town, to be applied to the improvement necessary therein. They shall have power to tax auction sales, shows, and other public exhibitions such sums as they, in their by-laws, may fix. They shall have power to suppress tippling-houses and gaming; to fine all those who may violate their by-laws in relation thereto any sum not exceeding thirty dollars for each offense, to be recovered before any of the magistrates of the said district or the police judge. It shall be the duty of said board to appoint a treasurer and secretary, and take bond and security for violation of any of their duties. Motions may be made or suit brought before any tribunal having jurisdiction thereof, and a majority of said trustees may, for proper cause, remove any officer and appoint another in his or their stead. That it shall be the duty of said treasurer and secretary to keep a record of all the proceedings which property shall belong to their offices, and it shall be the duty of said treasurer to render an account to said board of all moneys paid out by him whenever by them requested to do so.

Election.

§ 5. That the first election for trustees under this act shall be held on the first Saturday in May, 1882, under the supervision of Samuel Blair and H. C. Napier as judges; and they

are hereby empowered to appoint a sheriff and clerk to assist in said election. The trustees elected at said election shall hold their offices until the first Saturday in May, 1883, or until their successors are elected and qualified.

§ 6. That a town marshal and police judge shall be elected at the same time and place and in the same manner that trustees for said town are elected, whose term of office shall expire at the same time and in the same way the term of office of trustees shall expire, whose jurisdiction and power shall be the same within the corporation that justices of the peace and constables are in the State of Kentucky. Said police judge and marshal shall receive the same fees as are allowed to justices and constables for like services. The office of town marshal for Hyden shall not be incompatible with the office of constable in and for the Hyden voting precinct.

Marshal.

Police judge.

§ 7. This act to take effect from its passage.

Approved March 18, 1882.

## CHAPTER 489.

AN ACT to amend the charter of the town of Nicholasville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That so much of the county of Jessamine as shall be contained within the following lines, to-wit: two lines running parallel with Main street of said town, the one twelve hundred yards east and the other twelve hundred yards west thereof, and two lines running parallel with main Cross street of said town, the one twelve hundred yards north and the other twelve hundred yards south thereof; and said lines so extended that the north and south lines shall intersect with the east and west lines at right-angles, shall be, and the same is hereby declared to be, the town of Nicholasville.

Boundary.

§ 2. That the board of trustees of said town shall have the power, and, at their discretion, may license and tax vendors of spirituous, malt, or vinous liquors, hotel-keepers and coffee-house keepers in said town; and the tax on all vendors of spirituous, malt, or vinous liquors shall not be less than one hundred dollars nor more than three hundred dollars.

License.

§ 3. That all laws and parts of laws in conflict with this act be, and the same are hereby, repealed.

§ 4. That this act take effect from and after its passage.

Approved March 21, 1882.

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#### CHAPTER 490.

AN ACT authorizing A. J. Asher to erect a boom across Strait creek, in Bell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That A. J. Asher be, and he is hereby, authorized to erect a boom across Strait creek, in Bell county, for the purpose of preventing the loss of saw-logs on said creek.

§ 2. This act to take effect from its passage.

Approved March 21, 1882.

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#### CHAPTER 491.

AN ACT for the benefit of R. C. Williams, common school commissioner of Calloway county.

WHEREAS, R. C. Williams, common school commissioner of Calloway county, by mistake, failed to report twenty-one children in district No. 5 to the Superintendent of Public Instruction for the school year ending June 30, 1881, as reported to him by the trustees of said district, and failed to draw the amount going to said district for said children, of thirty-one dollars and seventy-one cents; but has paid the said sum to the teacher in said district out of his own means; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sum of thirty-one dollars and seventy-one cents be, and is hereby, appropriated to and allowed said R. C. Williams, to be paid him out of any unbonded surplus of common school money now remaining to the credit of Calloway county, if sufficient; if not, then the amount of said unbonded surplus now remaining be applied to the payment of said sum, and the balance thereof be paid him out of any unbonded surplus hereafter remaining to the credit of said county.

§ 2. This act shall take effect from its passage.

Approved March 21, 1882.



## CHAPTER 492.

AN ACT to amend the charter of the town of Wallonia, in Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of the town of Wallonia, in Trigg county, be, and they are hereby, authorized and empowered to build a house of confinement or lock-up in said town, to be paid for out of any money belonging to said town, for the confinement of drunken or disorderly persons, or any one who may be convicted in the police court of said town, or by any justice of the peace of said county of the violation of any of the by-laws or ordinances of the said town, who, upon conviction, is unwilling or unable to pay the fine assessed against him.

§ 2. All persons who may be found guilty of any misdemeanor in said town, or any drunken or disorderly conduct therein, or who shall be guilty of a violation of any of the ordinances of said town, may, on conviction, be confined in said house of confinement or lock-up for a number of days, not to exceed twenty four hours for every one dollar of said fine.

§ 3. That any fine imposed by the said police court may be discharged by the payment of the amount of fine assessed, unless the judgment of the court be for both a fine and imprisonment.

§ 4. That any person convicted under the provisions of this act, who shall fail or refuse to pay or replevy the fine assessed against him, shall be, by the order of the court trying the same, placed at hard labor upon the streets of said town of Wallonia or county road in said county, and shall be compelled to work at said hard labor upon said streets or road, at the rate of one dollar per day, until the fine is discharged; but shall not be compelled to labor more than eight hours in any one day; and when not engaged at labor, shall be confined in said house of confinement or lock-up, and shall be under the control of the marshal of the said town of Wallonia during the time he is at labor.

§ 5. That the marshal of the said town of Wallonia, by virtue of his office as such, shall be keeper of the said house of confinement or lock-up, and shall have the same pay for detaining persons confined therein, as is now allowed by law to

the jailers of this Commonwealth for dieting persons confined in jail, to be paid out of the funds belonging to said town, after being approved by the trustees thereof.

§ 6. This act shall take effect from and after its passage.

Approved March 21, 1882.

#### CHAPTER 493.

AN ACT to incorporate the Princeton College Institute, in the town of Princeton, Caldwell county, and other purposes.

WHEREAS, It is represented to this General Assembly that the college building in the town of Princeton has been sold under judgment of the Caldwell circuit court, and purchased by certain persons, who have donated it to the Presbytery of Louisville, in connection with the General Assembly of the Presbyterian Church in the United States of America, for the purpose of establishing therein a first-class high school, under the care and control of said Presbytery; and whereas, the said Presbytery has accepted said donation, and appointed Charles Anderson, H. F. McNary, E. P. Humphrey, J. Jones, L. L. Warren, E. W. C. Humphrey, H. H. Allen, P. H. Darby, A. C. Thomson, Samuel Garrett, J. I. Landes, J. J. McCarrell, T. S. Anderson, Wm. Hamilton, and T. H. Moore to receive and accept said building for it, and to establish and manage such school therein; and whereas, the said purchasers of said building have conveyed it to said trustees, to be held by them and their successors, to be appointed by said Presbytery, in trust for the uses and purposes of said school; and whereas, the said trustees have acquired by purchase, for the uses and purposes of said institution, the grounds which formerly belonged to said Princeton College, and have established a high school in said building, under the name of the Princeton Collegiate Institute, and have secured money and funds for the improvement of said property, and the partial endowment of said school; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said Charles Anderson, H. F. McNary, E. P. Humphrey, J. Jones, L. L. Warren, E. W. C. Humphrey, H. H. Allen, P. H. Darby, A. C. Thomson, Samuel Garrett, J. I. Landes, J. J. McCarrell, T. S. Anderson, William Hamilton,

Incorporators.

and T. H. Moore, and their successors, to be appointed by the said Presbytery of Louisville, in such manner and at such times as the said Presbytery may deem proper, be, and they are hereby, incorporated, and made a body-politic and corporate, under the name and style of the trustees of the Princeton Collegiate Institute; with the power to receive, accept, and hold, for the exclusive use and benefit of said institution, all of said real estate, and all moneys, choses in action, and property of any kind whatever, now belonging to said institution, or which it may hereafter in any manner acquire or become entitled to, and to demand, recover, and receive all moneys now, or which may hereafter become due and payable to said institution; and to receive, accept, and hold as aforesaid all grants, bequests, legacies, and donations, of any kind whatever, which may at any time be made to said institution; and with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity.

§ 2. Said Presbytery of Louisville shall have the power to appoint, in such manner and at such times as it may deem proper, the successors of the said trustees, and all future trustees of said institution; to remove them at pleasure; to prescribe rules for their government, and to exercise general supervision over the affairs of said institution.

§ 3. Said board of trustees shall consist of fifteen members; but six of them being present at any time shall constitute a quorum for business; but in the election of professors a majority of two thirds of the whole board shall be necessary to constitute a permanent appointment to any professorship.

§ 4. Said board of trustees shall have the power, subject to the supervision and control of said Presbytery, to manage the affairs of said institution; to employ and pay teachers therein; to prescribe rules and regulations for the government thereof, and for the government of said board; and to appoint the times and places of its meetings: *Provided*, Said rules and regulations shall not conflict with the laws of this State or of the United States; and all acts which have been or may be adopted by said board previous to the passage of this act, shall have the same validity and effect as if adopted subsequently thereto.

§ 5. Said board of trustees shall have power to have and use a common seal of office, with such devices as they may choose to adopt, and which they may break or alter at pleasure. It shall be the duty of the board to make and preserve a full and faithful record of all its official acts.

Oath.

§ 6. Said trustees and their successors, before entering upon the duties of their office, shall make oath or affirmation, before some one duly authorized to administer oaths, to faithfully discharge the duties of their office as trustees, which fact shall be noted in the official records of the board.

§ 7. This act shall take effect from and after its passage.

Approved March 21, 1882.

#### CHAPTER 494.

AN ACT to authorize the Hardin county court to levy an ad valorem tax of not exceeding fifteen cents on each one hundred dollars' worth of taxable property in said county, to be used in defraying the county expenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Hardin county, a majority of the justices of the peace of said county concurring, be, and is hereby, authorized to levy at each annual session an ad valorem tax of not exceeding fifteen cents on each one hundred dollars' worth of taxable property in said county; said funds, when so raised, to be used in defraying the county expenses.

§ 2. It shall be the duty of the sheriff of said county to collect said taxes and account for the same as he is required to do in regard to the county levy, and he and his sureties upon his bond given as required by section 4, chapter 27, of the General Statutes, shall be responsible for the faithful performance of his duties in regard to said taxes, and all the provisions of said chapter 27 applicable to said taxes shall govern and control the same.

§ 3. This act shall be in force from its passage.

Approved March 21, 1882.

CHAPTER 495.

AN ACT for the benefit of school district number two, Jefferson county.

WHEREAS, A subscription school is being taught by a competent but not regularly licensed teacher in common school district number two, Jefferson county, which all the pupil children of the district have the privilege of attending, and which is giving satisfaction to the patrons of the school; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft in favor of the commissioner of common schools for said county for the pro rata of said school district, amounting to the sum of one hundred and twenty-two dollars and twelve cents (\$122.12).

§ 2. This act shall take effect at the close of the session of said school, which shall have been taught not less than five months ending May 11th, 1882.

Approved March 21, 1882.

CHAPTER 496.

AN ACT to amend an act to amend an act, entitled "An act amending and reducing into one the several acts relating to the town of Scottsville," approved February 28th, 1860, approved April 27th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section two of an act, entitled "An act to amend an act, entitled 'An act amending and reducing into one the several acts relating to the town of Scottsville,'" approved February 28th, 1860, approved April 27th, 1880, be amended by striking out all of said section between the word services, in the fourth line, and the words "and for," in the seventh line, and insert in lieu thereof the following: "and for the trial of civil cases he shall hold regular terms on the first Monday in each month."

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1882.

## CHAPTER 497.

AN ACT to change the voting place and boundary lines of the second toll-gate precinct of Kenton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the voting place and boundary of the second toll-gate precinct, in Kenton county, be, and the same is, changed as follows: The voting place for said precinct shall hereafter be at Erlanger (formerly Greenwood Lake), instead of at the second toll-gate on the Covington and Lexington Turnpike in said county.

§ 2. That the boundary of said voting precinct shall be as follows, to-wit: Beginning at Joseph Rusche's, on said turnpike road; thence northwardly with the road between said Rusche's and Leathers' to Dry branch; thence down the said branch to Dry creek; thence down Dry creek to the county line; thence southwardly with the line of Boone and Kenton counties to the short pike near the third toll-gate on the Covington and Lexington Turnpike to the Turkey-foot branch; thence northwardly with said road to the present line of said precinct; and thence with said line to the place of beginning. All the voters living within the boundary above given shall have the right to vote at said voting place as herein established.

§ 3. This act shall take effect from and after its passage.

Approved March 21, 1882.

## CHAPTER 498.

AN ACT to regulate the advertising of real estate under execution, sales for State and county taxes, sales under decrees of judgments, and to regulate the compensation therefor in the county of Graves.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter sheriffs and master and special commissioners making sales of real estate under execution or by virtue of judgments, where the execution or judgment is for two hundred dollars and over, shall advertise the time and place of sale in one newspaper, if published within the county, for two weeks, by weekly insertions, prior to the time of making the sale.

§ 2. That sheriffs shall advertise the time and place of sale of lands for State and county taxes in one newspaper, if published within the county, for four weeks, by weekly insertions, prior to the time of sale.

§ 3. That the publisher of such newspaper shall be allowed eighty cents per inch of the usual type of such newspaper for the first insertion, and forty cents for the subsequent insertion of such advertisements as are provided for in first section of this act, to be taxed as costs in the proceedings, and twenty-five cents for each list of taxable property as required by second section, to be taxed up as costs of sale.

§ 4. That all laws or parts of laws in conflict herewith are hereby repealed.

§ 5. That this act shall apply only to Graves county.

§ 6. That this act shall take effect from and after its passage.

Approved March 21, 1882.

#### CHAPTER 499.

AN ACT to incorporate the Henderson Cotton and Woolen Mill Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Jackson McClain, James E. Rankin, James R. Barret, W. S. Johnson, and Malcolm Yeaman, and their associates and successors, be, and are hereby, enacted a corporation and body-politic, by the name and title of the Henderson Cotton and Woolen Mill Company, and shall have all the rights, immunities, and powers necessary and proper for conducting its business, which shall be the manufacture of cotton or woolen goods, or both; to have and use a common seal, and change the same at pleasure; and by the name aforesaid shall be capable in law of taking, purchasing, holding, and possessing such tenements, real estate, goods, chattels, and merchandise as may be necessary for the purpose of said corporation, and sell, dispose of, and convey the same at pleasure; and the parties herein named, with their successors and associates, shall continue and have perpetual succession.

§ 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and the company is hereby granted the

privilege of increasing the capital stock to any sum not to exceed five hundred thousand dollars.

Meetings.

§ 3. There shall be an annual meeting of the stockholders at such time and place as may be fixed by the by-laws, at which five directors shall be elected, all of whom shall be stockholders, and shall continue in office until their successors are chosen; and at such and all other elections each holder shall be entitled to one vote for each share of stock. Stockholders may be represented at all meetings of the company by proxy in writing. The directors shall elect one of their number to be president, and may fill any vacancies that may occur in the board between regular meetings.

§ 4. The officers of the corporation shall submit a full and correct statement of the affairs, business, and accounts of the company whenever called for by one third of the stockholders.

§ 5. Transfers of the stock shall be upon the books of the company, in person or by power of attorney; but the company shall have a lien upon the stock of any stockholder for any debt he may owe said company.

By-laws.

§ 6. Said company may adopt and enforce any by-laws consistent with this charter, and not inconsistent with the laws of this State, and may contract with and employ any officers, agents, and assistants necessary to successfully conduct the business of the company.

§ 7. This act shall take effect from its passage.

Approved March 21, 1882.

## CHAPTER 500.

AN ACT to amend an act, entitled "An act to reduce into one the several acts concerning the town of Greensburg."

WHEREAS, It appears that the board of trustees of and for the town of Greensburg was not organized at the time and in the manner provided in the act approved April 26th, 1880, to which this act is an amendment, said act not having been approved until after the time provided therein for said board to be elected and organized; and it further appearing that said board has failed to elect a police judge and town marshal for said town under said act, and that the time has passed for the election of same under said act, and there being no law



under the acts incorporating said town to supply vacancies in said offices; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the provisions of said act, entitled "An act to reduce into one the several acts concerning the town of Greensburg," be, and the same is, amended as follows, to-wit: That the present board of trustees of said town, or, in the event of their failure to do so before the terms of office of its members expire, then any subsequent board elected and chosen under the provisions of section twenty of said act approved April 26th, 1880, shall have the authority and power to organize as a "board of trustees of the town of Greensburg," under the said act, as if the same had been done at the time provided in same. The officers of elections hereafter held for trustees for said town shall make out certificates of the election of each trustee, signed by the clerk of said election, who shall deliver to each person so elected a certificate of his said election, which certificate said person may present to any person authorized to administer an oath, who shall administer to him the constitutional oath, and also the oath provided in section two of said act. Said officer administering said oath shall indorse on said certificate that the holder thereof has had the proper oath administered to him by said officer according to law. When the said newly elected board meets to organize, each holder of such certificates shall produce the same to the clerk, who shall file the same with the records of said board.

§ 2. That said board of trustees, as soon as it organizes under the provisions of said act, shall have the power, upon giving five days' notice, in writing, signed by the clerk of said board and posted upon the court-house door, and three other conspicuous places in said town, to elect a police judge for said town to serve for the remainder of the term of four years, beginning the first Saturday in June, 1880, as provided in said act, and said board shall have like power in like manner to elect a town marshal for said town, to hold his office until the next regular election for same on the first Saturday in June, 1884; and said board shall have all the powers conferred by said act to appoint such other officers as they shall find necessary.

Police judge.

Marshal.

privilege of increasing the capital stock to any sum not to exceed five hundred thousand dollars.

Meetings.

§ 3. There shall be an annual meeting of the stockholders at such time and place as may be fixed by the by-laws, at which five directors shall be elected, all of whom shall be stockholders, and shall continue in office until their successors are chosen; and at such and all other elections each holder shall be entitled to one vote for each share of stock. Stockholders may be represented at all meetings of the company by proxy in writing. The directors shall elect one of their number to be president, and may fill any vacancies that may occur in the board between regular meetings.

§ 4. The officers of the corporation shall submit a full and correct statement of the affairs, business, and accounts of the company whenever called for by one third of the stockholders.

§ 5. Transfers of the stock shall be upon the books of the company, in person or by power of attorney; but the company shall have a lien upon the stock of any stockholder for any debt he may owe said company.

By-laws.

§ 6. Said company may adopt and enforce any by-laws consistent with this charter, and not inconsistent with the laws of this State, and may contract with and employ any officers, agents, and assistants necessary to successfully conduct the business of the company.

§ 7. This act shall take effect from its passage.

Approved March 21, 1882.

## CHAPTER 500,

AN ACT to amend an act, entitled "An act to reduce into one the several acts concerning the town of Greensburg."

WHEREAS, It appears that the board of trustees of and for the town of Greensburg was not organized at the time and in the manner provided in the act approved April 26th, 1880, to which this act is an amendment, said act not having been approved until after the time provided therein for said board to be elected and organized; and it further appearing that said board has failed to elect a police judge and town marshal for said town under said act, and that the time has passed for the election of same under said act, and there being no law

under the acts incorporating said town to supply vacancies in said offices; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of said act, entitled "An act to reduce into one the several acts concerning the town of Greensburg," be, and the same is, amended as follows, to-wit: That the present board of trustees of said town, or, in the event of their failure to do so before the terms of office of its members expire, then any subsequent board elected and chosen under the provisions of section twenty of said act approved April 26th, 1880, shall have the authority and power to organize as a "board of trustees of the town of Greensburg," under the said act, as if the same had been done at the time provided in same. The officers of elections hereafter held for trustees for said town shall make out certificates of the election of each trustee, signed by the clerk of said election, who shall deliver to each person so elected a certificate of his said election, which certificate said person may present to any person authorized to administer an oath, who shall administer to him the constitutional oath, and also the oath provided in section two of said act. Said officer administering said oath shall indorse on said certificate that the holder thereof has had the proper oath administered to him by said officer according to law. When the said newly elected board meets to organize, each holder of such certificates shall produce the same to the clerk, who shall file the same with the records of said board. Style.

§ 2. That said board of trustees, as soon as it organizes under the provisions of said act, shall have the power, upon giving five days' notice, in writing, signed by the clerk of said board and posted upon the court-house door, and three other conspicuous places in said town, to elect a police judge for said town to serve for the remainder of the term of four years, beginning the first Saturday in June, 1880, as provided in said act, and said board shall have like power in like manner to elect a town marshal for said town, to hold his office until the next regular election for same on the first Saturday in June, 1884; and said board shall have all the powers conferred by said act to appoint such other officers as they shall find necessary. Police judge.  
Marshal.

§ 3. That the said board of trustees, upon electing a police-judge and town marshal, shall make out certificates of their election by said board in duplicate, signed by the clerk and chairman thereof, one of which shall be delivered to the person elected to such office and the other filed with the records of said board. The person elected to the office of police-judge of said town shall be commissioned as such by the Governor for the term for which he has been elected. No person shall be elected as such trustee, nor to any office in said town, who does not reside within the corporate limits thereof, nor shall any officer chosen by said board be deemed to be elected unless he shall receive the votes of a majority of the members of said board.

Commission.

Qualifications.

Police judge jurisdiction.

§ 4. Said police judge shall have jurisdiction, in all criminal causes arising in said county of which he does not have final jurisdiction, to hold courts of inquiry without associating another judge or justice with him, and shall have all the powers conferred by law upon such courts, and be liable to the like responsibilities, and shall proceed in like manner as required by law for examining courts to proceed in such cases. Said police judge shall have jurisdiction of all penal offenses where the punishment is limited to a fine of one hundred dollars, and all riots, routs, and breaches of the peace committed in said county. He shall have power to render judgment confining offenders in the county jail in all cases of which he may have jurisdiction, where the penalty is imprisonment, according to the laws of this State, and also to issue *capias pro fines* for all fines assessed under his jurisdiction, or he may, in default of payment of such fine, render judgment confining said offender in the county jail till he discharges the same as provided by law, and he shall have jurisdiction to render judgment forfeiting any bond taken under the authority of said police court, *i. e.*, taken by said court, or by its officers under this act, or by the sheriff of said county executing process from said court.

§ 5. Said police judge shall have jurisdiction within voting precinct No. 1 of said county of all civil causes of action, except proceedings to sell or divide land, and to settle decedents' estates, and to settle accounts of fiduciaries, where the amount in controversy, exclusive of interest and costs, does not exceed one hundred and fifty dollars, excepting also actions of which the county court of said county has exclusive jurisdiction.

and said court shall have jurisdiction of like actions from other precincts of said county, under the same provisions applying to the quarterly court in like cases. The same laws shall govern the proceedings in said court as in other courts of like jurisdiction; and said judge shall be entitled to the same fees as are allowed in similar cases in courts of like jurisdiction. Said judge shall be, by virtue of his office, clerk of his own court. He shall have the same power to issue warrants in civil cases returnable before justices of the peace in Green county as such justices have, and may try such cases when returned before him from his own and other precincts, under the same conditions and provisions as provided in cases of justices of the peace. Said police court may be held at any and all times for the trial of all criminal and penal offenses in his jurisdiction when the same shall come before him; and he shall hold his courts for the trial of civil causes in the months of March, June, September, and December in each year, on such days as is or may hereafter be fixed by the county court of said county; and said court may adjourn from day to day till its business is disposed of.

§ 6. In case of the absence of said police judge from said town, or where from relationship or other cause he cannot properly preside in the trial of an action, or where an affidavit is filed against him as provided in section 1, article 7, chapter 28, of the General Statutes, unless the parties agree upon a special judge, said police judge, or, in his absence, the county clerk, shall hold an election to elect a special judge to hold said court, or try said cause, in which the attorneys present shall vote and elect a judge possessing the qualifications of a police judge, who shall be duly sworn by the regular judge, if present; if not, by some officer authorized to administer an oath; and said judge shall have all the powers, and be liable to all the responsibilities of the regular judge during the period that he acts: *Provided*, That if said judge is elected to try a special cause, then the attorneys interested or employed in said cause shall not vote in said election. In case of a tie, the officer holding the election shall give the casting vote.

§ 7. In case of a vacancy in the office of police judge or town marshal, the said board of trustees, upon giving five days' written notice as hereinbefore directed, shall proceed as

in regular elections to elect a person to fill the vacancy till the next general election of such officer.

§ 8. That the town marshal of said town is authorized to take bond for the appearance before said police court of any person whom he may arrest upon a warrant issued from said judge, when the bond is fixed and authority to take the same given in said warrant: *Provided, however,* That in no case cognizable before said court as a court of inquiry shall any such bond be taken by said marshal.

§ 9. All acts or parts of acts in conflict with the provisions of this act are repealed; but this act shall not be construed to repeal any provisions of the act to which this is an amendment, except in so far as such provision conflicts with this act; and all the general laws in force relative to towns, police courts, and town marshals shall apply to the said town and its officers, except where different provisions are made in this act, and that to which this is an amendment.

§ 10. This act shall be in force from and after its passage.

Approved March 21, 1882.

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#### CHAPTER 501.

AN ACT to repeal chapter 128, approved March 3, 1860, entitled "An act to incorporate the board of commissioners of the Louisville court-house."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That chapter 128, approved March 3, 1860, entitled "An act to incorporate the board of commissioners of the Louisville court-house," be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after September 1, 1882.

Approved March 21, 1882.

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#### CHAPTER 502.

AN ACT charging a tax on barbecues in Grayson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That any person or persons making barbecues in Grayson county, charging persons for attending and participating in the same, shall pay a tax of ten dollars, to be

collected as other taxes ~~are~~ now collected, and to be appropriated for the benefit of the common schools of Grayson county.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 21, 1882.

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CHAPTER 504.

AN ACT for the benefit of common school district No. 32, Jefferson county.

WHEREAS, Thirty children of pupil age were erroneously omitted from the census report of common school district No. 32, Jefferson county, for the present school year ending June 30th, 1882; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor of Public Accounts, in favor of the common school commissioner of Jefferson county, for the sum of forty-two (42) dollars and sixty (60) cents, on which shall be paid the entire sum of unbonded surplus interest due the aforesaid county on its surplus bond for the school year ending June 30th, 1882, amounting to four dollars and thirty-seven (37) cents, and the remaining amount of thirty-eight dollars and twenty-three cents (\$38.23) shall be paid out of the common school fund for the present school year ending June 30th, 1882.

§ 2. This act shall take effect from its passage.

Approved March 21, 1882.

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CHAPTER 505.

AN ACT to re-enact an act, entitled "An act to incorporate the town of Berlin, in Bracken county," approved March 15, 1869.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the provisions of an act, entitled "An act to incorporate the town of Berlin, in Bracken county," approved March 15, 1869, be, and the same are hereby, re-enacted, and

said act entire, except as is provided in section second of this act, re-enacted.

§ 2. That in place of John M. Blackerby, Jed. C. Blackerby, Levi Blackerby, and J. N. Ceily, mentioned in said act as trustees of said town, Jed. O. Blackerby, jr., J. M. Dewitt, Robert Houston, and P. N. Blackerby are hereby appointed trustees, and invested with all the powers, rights, privileges, and obligations conferred by said act of March 15, 1869.

§ 3. This act shall take effect from and after its passage.

Approved March 21, 1882.

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#### CHAPTER 506.

AN ACT to amend an act, entitled "An act to establish an institution of learning in the town of Corinth, in Grant county, to be known as the Corinth Academy."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to establish an institution of learning in the town of Corinth, in Grant county," approved April the 9th, 1880, be, and the same is hereby, amended as follows: that the word "one," in the second line of the seventh section, be, and the same is hereby, stricken out, and the word five inserted in lieu thereof. That the following sections be, and the same are hereby, added to said act, to-wit:

§ 2. That it shall not be lawful for any person or persons to sell or give away any spirituous, vinous, or malt liquors, or any mixture thereof, within one and one half miles of the said academy building in less quantities than one barrel.

§ 3. For a violation of the provisions of the second section of this act, shall be fined for each offense not less than twenty nor more than fifty dollars.

§ 4. This act to take effect from its passage.

Approved March 21, 1882.



CHAPTER 507.

AN ACT to amend an act, entitled "An act to organize Urania school district, in Barren county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to organize Urania school district, in Barren county," approved 28th March, 1873, be amended so that it shall be lawful for the common school commissioner of Barren county to divide Urania school district, in Barren county, into three common school districts, and when said division shall be made, if it is made, each of said districts shall be governed by and entitled to all the benefits and privileges of the common school laws of this State.

§ 2. That this act shall take effect from its passage.

Approved March 21, 1882.

CHAPTER 508.

AN ACT to amend an act, entitled "An act to repeal the charter and re-incorporate the town of Elizabethtown," approved February 26th, 1868, and the several acts amendatory thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That an act, entitled "An act to repeal the charter and re-incorporate the town of Elizabethtown," approved February 26th, 1868, and the several acts amendatory thereof, are hereby amended as follows, viz:

§ 1. That it shall be the duty of the board of trustees of Elizabethtown annually, on the second Monday of May in each year, to appoint an assessor for said town. Assessor.

§ 2. That on the same day they appoint an assessor they shall likewise appoint three discreet citizens, who shall also be residents of the town, supervisors of tax and assessments, all of whom shall hold their offices for the term of one year, or until their successors are appointed and qualified. Said supervisors shall constitute a board of supervisors for said town, and within the boundary thereof perform the duties required of supervisors of tax under the revenue laws of this Commonwealth. It shall be their duty to assess all persons omitted by the assessor from the best information they can Supervisors.

obtain, and may take proof for that purpose: *Provided, however,* That said supervisors shall not raise the valuation of property, real or personal, without first given written notice to the owner or his agent, if they have one in said town, and said notice shall state the time and place of the meetings of said board of supervisors.

§ 3. It shall be the duty of said supervisors, within twenty days after they receive the assessor's books from the board of trustees, to return the same to said board with a report of all changes or corrections made by them.

§ 4. That the owner or his agent may, on motion before the board of trustees of said town, at a regular meeting of said board, and within a reasonable time after the supervisors have returned their books, have the question concerning the true value of said property tried before said board.

§ 5. That the clerk of the board of trustees shall, within five days after the books are returned by the supervisors, with their said report, furnish the treasurer of the town with a list of the names of the tax-payers and amount of taxable property in said town.

§ 6. That the said treasurer shall hold said books or list, and receive the said tax, as well as all other tax levied by the said board of trustees, for ninety (90) days, and unless paid within said time, a penalty of five per cent. on the amount of tax due is hereby prescribed against such delinquent.

Collector.

§ 7. That the collector of said town is hereby empowered to use such means to collect all the tax due said town as is given him to collect the semi-annual interest on the bonded debt of the town.

Duty.

§ 8. That it shall be the duty of the collector of tax to make out a list of insolvent persons who are liable for tax due said town, and who fail to pay the same, stating therein the amount of tax due from each individual, and upon what said tax is assessed, and report said list to the board of trustees of said town when called upon by them to do so.

Marshal—duty.

§ 9. That it shall be the duty of the marshal of said town, whenever he has personal knowledge or has been informed by any resident of said town that there has been a violation of the by-laws or ordinances of said town, after first using due diligence to apprehend and arrest the person or persons guilty of said offense, to file his written affidavit with the police judge of said town, stating the nature of the offense, and the

time and place, as near as he can, that the offense was committed: *Provided, however,* That he shall not state the name of the person so complaining.

§ 10. That whenever the statement and affidavit of the said marshal, as provided in section nine, is presented to said police judge, it shall be his duty to file the same among the papers of his office, and forthwith to diligently inquire of any violation or breach of the by-laws or ordinances of said town, with the view of ascertaining the true nature of any such offense, and the name of such person as may be guilty of so offending. He shall have power to issue subpoenas for witnesses, to administer the oath to witnesses appearing before him, and to punish persons for contempt by fine or imprisonment; and he is further granted such other powers in the investigation of said offenses as is given by law to grand juries in the performance of their duties: *Provided, however,* That no person shall be present during the examination of any witness but said police judge, the marshal of said town, and the attorney for the board of trustees of said town.

§ 11. That when it shall appear from the testimony of witnesses, as provided in section ten, that there has been a violation of the by-laws of said town, it shall be the duty of said police judge to issue a summons or warrant against such person as may appear to be guilty of any offense aforesaid, in manner and form as he is now allowed to issue the same, and the trial of such person shall proceed according to law.

§ 12. An act, entitled "An act to amend an act, entitled 'An act to amend the charter of the town of Elizabethtown,'" approved March 18th, 1876, which act was approved April 15th, 1880, is hereby repealed, and an act, entitled "An act to amend the charter of the town of Elizabethtown, in Hardin county," approved March 18th, 1876 (2d volume Session Acts, 1876, page 610), is hereby re-enacted.

§ 13. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 14. This act shall take effect from its passage.

Approved March 21, 1882.

## LAWS OF KENTUCKY.

## CHAPTER 509.

AN ACT for the benefit of John H. Purdy, of Bloomfield.

WHEREAS, On the 31st day of May, 1875, John H. Purdy obtained from the board of trustees of the town of Bloomfield a license to keep a coffee-house, and also on the day next following, to-wit, the first day of June obtained from the clerk of the Nelson county court a license to keep a coffee-house, for which he paid the clerk for the use of the Commonwealth a tax of fifty dollars; and whereas, said license was illegal and invalid because in violation of sections 9 and 11, article 2, chapter 92, of the General Statutes, and said Purdy was indicted and fined in the Nelson circuit court; and by reason of such indictment was put to great expense and trouble, and his rights and privileges under said license were annulled; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of fifty dollars, to be paid to John H. Purdy, it being the amount the said Purdy paid to the clerk of the Nelson county court, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 21, 1882.

## CHAPTER 511.

AN ACT to amend the charter of the town of Frenchburg, in Menifee county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That upon the filing of the written petition of a majority of the legal voters of the town of Frenchburg, the trustees of said town may, for the purpose of establishing or assisting to establish or to endow either a high school or college in said town, subscribe to the capital stock of said high school or college any sum said citizens of said town by their petition ask, not exceeding five thousand dollars; and for the purpose of paying the same may issue the bonds of said town,

payable at any time within thirty years, bearing any rate of interest not exceeding six per cent. per annum.

§ 2. Said town may, upon the conditions named in section one of this act, for the purpose of endowing any high school or college within said town, agree to pay such high school or college any sum per annum they may think right and proper, upon such terms and conditions as to them may seem equitable and just.

§ 3 That said trustees shall provide for the payment of any debts created under this act by proper levies of taxes upon the taxable property of said town.

§ 4. This act shall take effect from its passage.

Approved March 21, 1882.

#### CHAPTER 514.

AN ACT to authorize B. W. Burchett, sheriff of Carter county, to execute revenue bond for the year 1882, at any time before April 1st, 1882.

WHEREAS, B. W. Burchett, sheriff of Carter county, through inadvertence, has failed to execute, within the time prescribed by law, his bond for the collection of the revenue tax of said county for the year 1882; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the further time until the first day of April, 1882, be, and is hereby, given to B. W. Burchett, sheriff of Carter county, in which to execute, in the manner prescribed by law, a bond for the collection of the revenue tax of said county of Carter for the year 1882: *Provided*, That he and his sureties in said bond shall be liable to the same actions on said bond, and the same shall be as binding as if executed within the time prescribed by law.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 21, 1882.

#### CHAPTER 515.

AN ACT for the benefit of the sheriff of Floyd county.

WHEREAS, The statutes of this State makes it the duty of the several sheriffs of this Commonwealth to collect and

pay into the State Treasurer the amounts of revenue due from their respective counties on or before the first day of April in each year; and whereas, the small-pox is raging to such an alarming extent in the county of Floyd that it is impossible for the sheriff of said county to collect the revenue due from said county to the State by the time required by law; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the sheriff of Floyd county have the further time until the first day of October, 1882, to pay into the State Treasurer the amount of revenue due from said county to the State: *Provided*, The sureties of said sheriff consent, in open court (county court), to this extension.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1882.

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#### CHAPTER 517.

AN ACT to repeal an act, entitled "An act to establish a graded school at Willisburg, in Washington county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to establish a graded school at Willisburg, in Washington county," approved April the 14th, 1880, be, and the same is hereby, repealed.

§ 2. That all powers, privileges, and grants conferred in said act, upon whomsoever conferred, shall discontinue and cease.

§ 3. That this act shall take effect from its passage.

Approved March 21, 1882.

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#### CHAPTER 518.

AN ACT for James L. Plummer, late sheriff of Simpson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer for

forty-seven dollars and seventy-one cents in favor of James L. Plummer, late sheriff of Simpson county.

§ 2. This act to take effect from and after its passage.

Approved March 21, 1882.

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CHAPTER 519.

AN ACT for the benefit of school district No. 1, in Fleming county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That one half of all fines hereafter collected for a breach of all town ordinances, and all fines collected for breaches of the peace, and all other sums collected under warrant in the name of the Commonwealth before justices of the peace of district No. 7, including Flemingsburg, and the police judge or mayor of Flemingsburg, shall be paid to the trustees of school district No. 1, and the same shall be by them applied to the payment of the expenses of said school and the employment of competent teachers.

§ 2. This act shall take effect from its passage.

Approved March 21, 1882.

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CHAPTER 520.

AN ACT to amend and reduce into one the several acts in reference to the town of Weston, Crittenden county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

ARTICLE I.

§ 1. That the present corporate limits and boundaries of the town of Weston, in said county and State, be as follows: Beginning at the mouth of Camp creek; thence up the Ohio river to the top of a bluff upon which John Brown's farm is situated; thence with and along said bluff to the first bridge across Camp creek; thence down said creek to the beginning; that the inhabitants of such boundaries be, and they are hereby, created a body-politic, with perpetual succession, with power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, by the name of the town of Weston, and to have a corporate seal.

## ARTICLE II.

*Officers and Elections.*

§ 1. That the municipal government of said town shall consist of the board of trustees of Weston, composed of five persons, one of whom shall, at the first regular meeting of said board of trustees, be by them selected to preside over their meetings, and he shall be styled chairman of the board of trustees of Weston.

§ 2. That the said board of trustees, and their successors, shall be a body politic and corporate, and shall be known and called by the name and style of the board of trustees of Weston; and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, and of suing and of being sued, of defending and being defended, of pleading and being impleaded, in all courts and places; of taking, holding, purchasing, leasing and conveying such real, personal, and mixed estate as the purposes of the town may require, within or without the limits aforesaid. They may or may not have a corporate seal.

§ 3. That all the legislative power and authority of said town, together with the fiscal, prudential, and municipal concerns thereof, and the government and control of same, shall be vested in said board of trustees.

§ 4. That the other officers of said town shall be as follows: a clerk, a police judge, an attorney, a treasurer, a marshal, and assessor, and such other officers as the board may direct and appoint from time to time.

§ 5. That an election shall be held in said town on the first Saturday in April every two years (except for police judge, which shall be every four years), at such places as the board of trustees shall appoint, and of which six days' previous public notice shall be given in written or printed notices, posted in four public places in said town by the town clerk.

§ 6. That at the said election there shall be elected by the qualified voters of said town five trustees, a police judge, one marshal, and one assessor; and the person or persons having the highest number of votes cast at said election for either of said offices shall be declared elected.

§ 7. That the officers elected by the people under this act shall respectively hold their offices for two years (except the police judge, who shall hold his office for four years), and until the election and qualification of their successors respect-



ively. All other officers mentioned in this act, and not otherwise specially provided for, may be appointed by the board of trustees at the first regular meeting thereof after the biennial election, or as soon thereafter as may be, and continue in office two years, and until the appointment and qualification of their successors; but the board of trustees may appoint night and day watchmen, policemen, firemen, surveyors, gaugers, weighers, inspectors, and other like officers, to continue in office during the pleasure of the board of trustees. Officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors. If there should be a failure by the people to elect any officers herein required to be elected, the board of trustees may appoint such officers, or forthwith order a new election.

§ 8. That every person appointed to office by the board of trustees, or elected to any office by the people, may be removed from such office by a vote of a majority of all the board of trustees; but no officer who is elected by the people shall be removed except for cause, nor unless first furnished with the charges, and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses, and the production of papers, when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the board of trustees may declare the office vacant.

§ 9. That whenever any vacancy shall happen by the death, removal, resignation or otherwise, of any officer elected by the people, such vacancy shall be filled by a new election within ten days after the happening of such vacancy. Any vacancy occurring by the death, removal, resignation or otherwise, of any officer appointed by the board of trustees, may be filled by appointment of the board of trustees.

§ 10. That all free male citizens of the United States who are entitled to vote for town officers elective by the people under this act, shall be qualified to hold any office created by this act, except as is hereinafter in this act provided; but no person shall be eligible to hold any office created by this act, or any other act in relation to said town, who is now or may hereafter be a defaulter to said town, or who, being a collector or keeper of the corporation funds, has not settled with the

board of trustees of said town, and obtained a quietus; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for ten days after demand made, to account for and pay over to the person or party authorized to receive the same, any public money which may have come to his hands; nor shall any person be eligible to hold the office of trustee in said town who is not at the time of his election a citizen and owner of real estate in said town, and has resided in said town for at least one year next preceding his election.

§ 11. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot in such manner as the board of trustees may direct, and in the presence of the board of trustees and at least three other persons.

§ 12. That the board of trustees shall, before every town election, appoint suitable persons as officers of election—two persons as judges, one as sheriff, one as clerk; and if practicable, the officers shall be selected in equal numbers from the principal parties; but no person who is a candidate for election to any office which is to be voted for in said election shall be an officer of said election. Officers of town elections shall perform similar services and be entitled to like pay as officers at State elections, and shall be governed in all matters not inconsistent with this act, and be liable to the penalties imposed by the laws of this Commonwealth.

§ 13. That all elections by qualified voters of the town shall be held between the hours of 7 o'clock in the morning and 6 o'clock in the evening.

§ 14. That every free male citizen of the United States over twenty-one years of age, resident of this State two years, or in the county of Crittenden one year, and in said town six months, shall be qualified to vote for any town officer elective by the people.

§ 15. That all laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the town of Weston for any officer, subject, however, to all provisions of this act touching the qualification of voters.

§ 16. That the board of trustees shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any town officer elective by the people

shall be heard and determined by the board of trustees, under such rules as may be prescribed by the by-laws or ordinances.

§ 17. That the outgoing town clerk shall, immediately after the election, certify to the Secretary of State the name of the person elected for police judge of said town, and the Governor of this Commonwealth shall issue a commission to said officer.

§ 18. That the poll-books of all elections in the town shall be returned by the sheriff of election to the clerk of the town, who shall keep them on file as a part of the records of his office, examine and compare the same, and issue certificates to the officers elected, which certificate shall, before being delivered, be spread on the records of the board of trustees.

§ 19. The officers to hold the first election which may be held under this act shall be appointed by the acting board of trustees of Weston at the time of such election, and such officers shall be two judges, a clerk, and sheriff of such election; and such election shall be conducted in the way and manner prescribed by this act for elections; and the acting clerk of the town at the time such election shall be held shall certify to the Governor of this State the name of the person who may be elected police judge of such town.

### ARTICLE III.

#### *Powers and Duties of Officers.*

§ 1. That every person elected or appointed to an executive, judicial, or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe before a person authorized to administer same, the oath of office prescribed by the Constitution of this State, and file the same duly certified by the officer before whom it was taken with the clerk of the town.

§ 2. That the chairman of the board of trustees shall preside over the meetings of the board of trustees, and take care that the laws of the Commonwealth and the by-laws and ordinances of the town are duly enforced, respected, and obeyed, and that all the other executive officers of the town discharge their respective duties. The chairman shall likewise have the power to perform the duties of the police judge in all criminal and penal actions in cases where, from a vacancy in the office of police judge, or from absence, sickness, or other cause, the police judge does not or cannot act;

and he shall have the same fees therefor as the police judge is allowed; but he shall account for and pay over to the town treasurer, when required by the treasurer, all fines and other moneys received by him in his judicial capacity.

§ 3. That in case of a vacancy in the office of chairman, or of his being unable to perform his duties by reason of temporary or continued absence or sickness, the board of trustees shall appoint one of their number, whose official designation shall be acting chairman; and the trustee so appointed shall be vested with all the powers and perform all the duties of chairman, except in regard to acting as police judge, until the chairman shall resume his office, or the vacancy be filled by a new election.

§ 4. That the clerk shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him, shall be evidence in all courts; he shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose.

§ 5. That it shall be the duty of the town attorney to perform all professional services incident to the office, and when required, to furnish written opinions upon subjects submitted to him by the board of trustees or its committees.

§ 6. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of receipts and expenditures in such manner as the board of trustees may direct. All moneys shall be drawn from the treasury, by warrant from the chairman or acting chairman of the board of trustees, and countersigned by the clerk; such warrant shall specify for what purpose the amount specified therein shall be paid. The treasurer shall exhibit to the board of trustees, on the first day of May each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk.

§ 7. That it shall be the duty of the marshal to attend all the sessions of the police court, and to give the town attorney previous notice of any proceedings in the court to which

it is his duty to attend, and to attend to the procuring of evidence in cases in which the town or the board of trustees of Weston is a party; within the limits of the town, in all matters of a criminal nature arising under the by-laws or ordinances of said town, or the laws of the Commonwealth, he shall possess the same powers as sheriffs and constables. He shall execute all process, civil or criminal, issued and to him directed by the chairman of the board of trustees, the police judge, the presiding judge of the Crittenden county court, or any justice of the peace. He shall possess the power and authority of a constable under the statutes of this Commonwealth; and his powers for discharging his duties shall be co-extensive with Crittenden county. He shall be entitled, as compensation, to the same fees allowed by law to constables and sheriffs for similar services, to be collectable in the same manner as constables' and sheriffs' fee-bills are; for other services he shall be entitled to such fees and compensation as the board of trustees may designate by by-laws or ordinance. He shall be liable in the same cases, way, and manner, and to the same extent, to be prosecuted in the same manner as sheriffs and constables are. He shall perform such other duties, not inconsistent with this act, and make such returns and reports of his acts as may be prescribed by ordinances or by-laws, and as hereinafter prescribed. He may or may not be appointed collector; but if he is, he shall be required to give, in addition to the marshal's bond, a bond as collector.

§ 8. That it shall be the duty of the collector to collect all taxes and assessments which may be levied by the board of trustees, and perform such other duties as may be herein prescribed or required by the board of trustees: *Provided*, That the board of trustees shall have power to require all license money to be paid directly to the treasurer, or to appoint some other person other than the collector to collect such money.

§ 9. That the assessor shall perform all the duties which the board of trustees may, by by-law or ordinance, prescribe in relation to the assessing of property for the purpose of levying the taxes imposed by the board of trustees.

§ 10. That the board of trustees shall have power, from time to time, and at all times, to require further and other duties, and fix the compensation of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act.

whose duties are not herein specifically mentioned, and fix their compensation.

§ 11. That the police judge, treasurer, collector, and marshal shall severally, before they enter on the duties of their respective offices, execute a bond, payable to the board of trustees of Weston, in such sum, with such conditions and sureties, as the board of trustees may approve, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money or other property that may come to their hands as such officers respectively, which bonds, with the approval of the board of trustees, certified thereon by the clerk, shall be filed and recorded, and carefully kept in the office of the clerk of the Crittenden county court.

§ 12. That the board of trustees of Weston, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or motion against the said officer by whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representatives, heirs, or devisees of any or either of them, as now provided by law for sheriffs and constables; and the bonds, or any or either of them, shall not be satisfied or void by the first or any other recovery until the board of trustees of Weston, and every person aggrieved by the acts or omission of such officer, shall have been recompensed.

§ 13. That if any person having been an officer in said town shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay, for the use of the town, one hundred dollars, besides all costs and damages caused by his neglect or refusal so to deliver.

#### ARTICLE IV.

##### *Police Courts.*

§ 1. That there shall be established in said town a court, to be styled the Weston police court, which shall be held by one judge, to be styled the judge of the Weston police court, who shall be elected as is heretofore provided.

§ 2. That the Weston police court shall have exclusive original jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, without intervention of a jury, and concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town. Said court shall have power and authority to take recognizances from persons charged with said offenses cognizable before said court, to appear and answer for the same that the circuit courts have; like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same; and shall have the power of two justices of the peace as an examining court.

§ 3. That the judge of said court shall be a conservator of the public peace, and may order arrest for all offenses against the laws of the Commonwealth or by-laws and ordinances of the town, and for those committed within his presence may order arrest without warrant, the person to be dealt with according to the laws of the Commonwealth, or the by-laws and ordinances of the town. If he think it necessary, he may detain any person or persons so offending in custody or in the county jail or other safe place.

§ 4. That the police court shall be held at such place as the board of trustees may designate, or they failing to designate and provide a suitable place, at such place as the judge may select in said town. The judge shall have power to fix the time for holding court for the trial for criminal or penal cases as in his discretion the business before him may seem to require.

§ 5. That the police court shall be a court of record, and the judge thereof shall act as clerk; and certified copies of the record of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth.

§ 6. That all proceedings in, and process from, the police court, shall be in the name of the Commonwealth of Kentucky. The process shall be made returnable to the police court, and may be directed to the town marshal; but the judge may direct the process to any constable, sheriff, jailer, coroner, or policeman; and the person executing the process of said court shall be entitled to the fees for the like services, and to the like remedy for the collection thereof, as the constable and sheriffs of this Commonwealth, and shall be sub-

ject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

§ 7. That the fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky, and those in favor of the town of Weston, or the board of trustees of Weston, are hereby granted to the town of Weston.

§ 8. That all fines and forfeitures recovered in the police court are to be collected by the marshal or other officer to whom execution or *capias pro fine* is directed, and to be paid by him to the town treasurer; but before the issue of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the police court, who shall pay the same to the town treasurer.

§ 9. That the defendant shall have the right at any time to replevy for three months any judgment, fine, or forfeiture of the police court, or execution or other final process thereon, by giving bond, with good security, in the same manner as allowed by law in similar cases, in favor of the Commonwealth.

§ 10. That a return of not found on a *capias pro fine*, and of no property on a writ of *feri facias*, issued on any judgment in the police court, shall authorize an attachment out of equity in favor of the board of trustees of Weston against the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit and justices' courts.

§ 11. That upon all judgments for fines rendered by the police court, whether in favor of the Commonwealth of Kentucky or of the town of Weston, or of the board of trustees of Weston, and which shall not be paid at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same shall be paid; but the imprisonment shall not exceed one day for every two dollars of such fine.

§ 12. That in all cases in said police court where, by the laws of this Commonwealth, this act, or the by-laws or ordinances of said town, the punishment is in whole or in part imprisonment, the police court shall have the power to imprison the person convicted of a violation of said laws, this act, or said by-laws or ordinances, in the Crittenden county



jail, for any time not exceeding fifty days specified by said laws, this act, or said by-laws or ordinances.

§ 13. That appeals shall lie from the decisions and judgment of the police court to the Crittenden quarterly court in all cases where the fine exceeds ten dollars, and is less than fifty dollars, exclusive of cost, and to the Crittenden circuit court where the fine is fifty dollars or upwards, exclusive of cost; and when the punishment is by imprisonment for any time, an appeal shall lie to either the said quarterly or circuit courts. In all cases of appeal in either criminal or penal cases, the execution of the judgment shall not be suspended unless the defendant, within five days after the rendition of the judgment, causes to be executed, before the clerk or judge of the court to which the appeal is taken, a covenant, with good-surety, in all respects as required by sections three hundred and forty-nine of the Criminal Code of Practice.

§ 14. That the police court shall always be open for hearing and determining such penal and criminal cases as are within its jurisdiction; and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties, and a prompt administration of justice.

§ 15. That all fines and forfeitures arising under this charter for breaches of the by-laws and ordinances of said town shall be sued for by warrant in the name of the board of trustees of Weston or the Commonwealth of Kentucky, and shall be for the use of said town.

§ 16. That the police court shall have original and concurrent jurisdiction with the justices of the peace in all civil cases and proceedings; and the time of holding said court for the transaction of civil business shall be fixed by the Crittenden county court as is done in cases of justices' courts; and until differently fixed, shall remain as it now is.

§ 17. That the provisions of the Criminal Code of Practice shall regulate the proceedings of said court in criminal and penal cases, and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

§ 18. That the fees of said judge, whether acting as judge or clerk or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and cost shall be taxed in cases in

said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

#### ARTICLE V.

##### *General Powers and Duties of the Board of Trustees.*

§ 1. That the board of trustees shall hold stated meetings, and the chairman may call meetings by notice to each of the members of the board of trustees, either oral or written, but if written, such notice must be served personally, or left at their usual place of abode. A majority of the persons elected as trustees shall constitute a quorum.

§ 2. That the board of trustees shall have the management and control of the finances and all the property, real, personal, and mixed belonging to the corporation; and shall have power to contract and be contracted with, for and on behalf of said town, and shall have power to provide for the erection and repairs of all needful public buildings for the town, and to provide for inclosing and improving all public grounds belonging to the town, and shall likewise have power within the jurisdiction of said town by by-law or ordinance—

*First.* To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards, and other games of chance whereat anything of value is bet, won, or lost.

*Second.* To regulate and tax the selling of ardent spirits or other intoxicating fermented, vinous, or malt liquors by any hotel-keeper, tavern-keeper, innkeeper, or merchant in said town, under and by virtue of the present statutory laws of this Commonwealth and no further: *Provided*, That, in addition to the present State tax, the tax under this act upon licensed hotel, tavern, or innkeepers shall not exceed seventy-five dollars for a year; and the tax upon such licensed merchants shall not exceed twenty-five dollars per year.

*Third.* To prohibit the selling or giving away of any spirituous, vinous, or malt or other intoxicating liquors to any minor or apprentice without the written consent of his or her parent or guardian, master or mistress.

*Fourth.* To license, tax, regulate, suppress, and prohibit billiard-tables, pigeon-hole, jenny lind, and all similar tables or contrivances, pin alleys, nine or ten-pin alleys, ball alleys, and shooting galleries.

*Fifth.* To tax, license, regulate auctioneers, distillers, brewers, and pawnbrokers, and tax or lay duties on the sale of goods at auction.

*Sixth.* To license, tax, regulate, and prevent hawkers and peddlers, and all itinerant or coasting vendors of medicine, or other goods, wares, or merchandise, whether at auction or otherwise, in said town, or on the river opposite the corporate limits; also any and all agents of insurance and lottery offices, and agencies doing or pretending or offering to do business in said town, and to prevent any business of that kind being done without license.

*Seventh.* To regulate, suppress, license, and prohibit all exhibitions of common showmen, shows of every kind by itinerant and other persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions (except by the citizens of the town and county).

*Eighth.* To authorize the chairman of the board of trustees, or other proper officer of the town, to grant and issue licenses, and direct the manner and the time of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year, and not less than one dollar shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed fifty cents.

*Ninth.* To prevent and suppress any riot, rout, breach of the peace, noise, disturbance, or disorderly assemblage.

*Tenth.* To establish and regulate markets and other public buildings, and provide for their erection, and determine their location, and authorize their erection in the streets of said town or other suitable place or places within the town limits.

*Eleventh.* To regulate, license, or prohibit butchers, and to revoke their license for misconduct in the course of trade.

*Twelfth.* To regulate the keeping and conveying gunpowder and other combustible and dangerous materials.

*Thirteenth.* To prevent horse-racing, immoderate riding or driving in the town, and to authorize persons immoderately riding or driving to be stopped by any person, and to punish or prohibit the abuse of animals, and to compel persons to fasten or secure their horses, mules, oxen, or other animals attached to vehicles or otherwise while standing or remaining in the street.

*Fourteenth.* To prevent the encumbering of the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, brick, stone, posts, awnings, signs, or any substance or material whatever.

*Fifteenth.* To prevent any obscene, indecent, or profane exhibition or conduct.

*Sixteenth.* To restrain and punish vagrants and prostitutes.

*Seventeenth.* To restrain and regulate or prevent the running at large of horses and swine, and authorize the distraining, impounding, and sale of same, for the penalty incurred and the cost of the proceedings; also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto.

*Eighteenth.* To prevent and regulate the running at large of dogs, and to authorize the destruction of same when at large contrary to the by-laws and ordinances.

*Nineteenth.* To prevent and regulate the playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams and horses.

*Twentieth.* To make regulations to prevent the introduction or spread of contagious diseases in the town.

*Twenty-first.* To have exclusive power over the streets and alleys, sidewalks and wharf, and remove and abate any obstructions and encroachments therein or thereon.

*Twenty-second.* To abate and remove nuisances, and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof.

*Twenty-third.* To appoint watchmen and policemen, and prescribe their duties, power, and pay.

*Twenty-fourth.* To purchase lands for and locate cemeteries, either within or without the town limits. They shall have power to lay off said cemeteries into lots, and sell the same; to improve said cemeteries, and to exercise full control over the same, and enforce the proper regulation and management thereof, and punish all trespasses thereon by adequate fines and penalties.

*Twenty-fifth.* To appoint inspectors, weighers, and gaugers, and regulate their duties and fees.

*Twenty-sixth.* To provide the town with water in any manner they may deem proper; and to establish, make, and regulate public pumps, wells, and cisterns.

*Twenty-seventh.* To establish and regulate public pounds.

*Twenty-eighth.* To authorize and regulate the use of locomotive engines within the town; and to grant to any railway company the right of way through the streets of said town; and to direct and control the location of railroad tracks and depot grounds, and prohibit railroad companies from doing storage and warehouse business, or collecting pay for the same.

*Twenty-ninth.* To erect, control, and keep in repair public scales in said town when deemed necessary.

*Thirtieth.* To exclusively control, regulate, repair, grade, pave, macadamize, and amend and clear the streets and alleys, bridges, side and cross-walks, and open, widen, straighten, extend, and vacate streets and alleys.

*Thirty-first.* To establish hospitals and pest-houses, and make regulations for the government thereof, and discontinue the same at pleasure.

*Thirty-second.* To do all acts and make all regulations which may be necessary or expedient for the preservation of health, and the suppression of disease.

*Thirty-third.* To prohibit any work or business being done or performed on the Sabbath day, and to punish any person found at or engaged in any work or business on that day, except it be the ordinary household offices of daily necessity, or other work of necessity or charity: *Provided*, That persons who are members of any religious society, who observe as a Sabbath any other day in the week than Sunday or the Christian Sabbath, shall not be punished if they observe as a Sabbath one day in each week.

*Thirty-fourth.* That the board of trustees shall have power to make, publish, ordain, amend, and repeal, all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this Commonwealth, for the good government and order of the town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the board of trustees or any officer of said town by this act, and enforce observance of all rules, ordinances, by-laws, and police and other regulations made in

pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same.

*Thirty-fifth.* The board of trustees may also enforce such rules, ordinances, by-laws, and police and other regulations as aforesaid by punishment of fine and imprisonment, or both, in the county jail, in the discretion of the court before which conviction may be had: *Provided*, Such fine shall not exceed one hundred dollars, exclusive of costs, nor the imprisonment exceed fifty days.

*Thirty-sixth.* That the said board of trustees may provide for the use of said town a fire-engine, organize a fire company, and make necessary regulations for the prevention of damage by fire.

*Thirty-seventh.* That the board of trustees of Weston shall have exclusive power to grant all license for which provision is made by this act; and the amount to be paid for any license for which provision is made by this act shall be fixed by the said board of trustees.

#### ARTICLE VI.

##### *Taxation.*

§ 1. That the board of trustees of Weston shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes, not exceeding fifty cents on each one hundred dollars' worth of real estate in said town, including the improvements on such real estate, and upon all personal estate, and money and evidences of money in said town, and a head or poll-tax upon every male inhabitant of said town over twenty-one years of age, of not exceeding one dollar, and a tax, not exceeding five dollars, on each dog that any one may keep or suffer or permit to be kept on his or her premises.

§ 2. There shall be exempt from taxation under this act, or for the purposes of said town, all public property belonging to said town, the county of Crittenden, the State of Kentucky, the United States, any church, college, or public school, public seminary of learning, all grounds attached to such colleges, church, school or seminary, and dedicated solely to the use thereof, and any cemetery belonging to said town.

## ARTICLE VII.

*Working on Streets.*

§ 1. That the board of trustees of Weston shall have power to require (and it is hereby made the duty of) every able-bodied male inhabitant of said town over twenty-one and under fifty years of age, except ministers of the Gospel, to faithfully labor three days in each year upon the streets of said town, under the supervision of the street commissioner, to be appointed by the said board of trustees, and to furnish such tools as the board of trustees may require; but every person may, at his option, instead of laboring, pay into the town treasury, at the rate of one dollar per day for each day he may be so required to labor: *Provided*, Such payment be made before the first of the three days the person may be notified to labor. In default of payment or labor as aforesaid, the sum of four dollars and cost of proceedings may be recovered against each person in default by the said board of trustees, by action before said police judge; and any and all persons who may be so required to labor shall be exempt from working on any and all roads in Crittenden county outside the boundary of said town as designated by this act. That all money levied or collected by virtue, or in pursuance of this act, including all fines, forfeitures, and penalties imposed and collected under this act or the State laws or the by-laws of said town, and all taxes and assessments, and all money collected for licenses, shall be for the use of said town, and paid into the treasury thereof.

## ARTICLE VIII.

*Opening of Streets.*

§ 1. That the board of trustees of Weston shall have the power to lay out public squares or grounds, streets, alleys, and highways; and to alter, extend, widen, contract, straighten, open or discontinue the same; and such board of trustees shall cause all streets, alleys, and highways, public grounds or squares laid out by them, to be surveyed and described, and a description thereof to be recorded in a book to be kept by the clerk of the said town, showing particularly the proposed improvements, and the real estate required to be taken, and such streets, alleys, and highways shall, when opened, be public highways.

§ 2. That whenever the public convenience may, in the opinion of the board of trustees, require any street, alley, lane, or highway to be opened, laid out, or extended, changed, straightened or altered, or any public square or ground to be opened or laid out, they may obtain or purchase from the owner thereof such real estate as may be necessary therefor, and obtain from such owners a conveyance of said real estate, which conveyance shall be recorded in the office of the clerk of the Crittenden county court.

§ 3. That in all such cases, when the board of trustees cannot or do not obtain or purchase such real estate, and receive conveyance thereof, they shall have power to cause to be filed in the Crittenden county court a petition, in which the board of trustees of Weston shall be made plaintiff, and all the owners of such real estate, and the guardian of infant owners, shall be made defendants; but such petition need not be sworn to. Such petition shall describe the street, alley, lane, or highway, public square or ground, that is sought to be laid out, altered, extended, widened, or straightened, the character of the proposed improvement, where situated, and the names (if known) of the owners of the real estate required to be taken, and which, if any, of said owners are non-residents, and which, if any, are infants, and who are the guardians of such infants, if such there be; and all such owners and the guardians of such infants, if residents of this State, shall be summoned actually, as required by the Civil Code of Practice in ordinary actions; and if non-residents, shall be warned as required by said Code; and guardian *ad litem* shall be appointed to defend for such infants, who shall answer; and an attorney shall be appointed for any non-resident defendants or defendant, in the way and manner required by said Code of Practice, and his duties shall be as therein prescribed; and after all the defendants shall have been so actually or constructively brought before the court, and the answers of the guardian *ad litem*, and the report of the attorney for the non-resident defendants shall have been filed, a writ of *ad quod damnum* shall be awarded by the court, directed to the sheriff of Crittenden county, to be executed and returned as required by law for writs of that nature for opening public roads in this State. On the return of the writ duly executed, the court shall order the damages assessed to be paid by the said board of trustees out of the funds in the



treasury of said town, to the party or parties entitled thereto, and shall order the street, alley, highway, or public square or ground to be laid out and opened upon the payment of said damages. It shall be public property, and under the control of the board of trustees of Weston: *Provided*, That at any time before such order shall be made to lay out or open any such public square or ground, street, alley, or highway, the said board of trustees may abandon the proceedings, being responsible for costs; and in such event the public square, ground, street, alley, or highway shall not be opened or laid out.

#### ARTICLE IX.

##### *Grading, Paving, and Improving Streets and Alleys.*

§ 1. That the board of trustees shall have power to grade, pave, improve, protect, and ornament any public square or ground now or hereafter laid out.

§ 2. That the owners in front of or upon whose premises the board of trustees shall order and direct curbing and sidewalks to be constructed, repaired, or relaid, shall make, repair, or relay such curbing or sidewalks at their own cost and expense, and in the manner, with the material, and in the time prescribed by said board of trustees by ordinance or otherwise; and if not done in the manner, with the materials, and within the time so prescribed, the board of trustees may cause the same to be constructed, repaired or relaid, and assess the expenses therefor by an order to be entered in the record of their proceedings, upon such lots respectively, and collect the same by warrant and sale of the premises as in the case of taxes; a suit may also be maintained by the board of trustees of Weston against such owner or owners for the expenses of such improvements.

§ 3. That all the provisions of the preceding section shall apply with equal force to all persons whose duty it is to remove or abate any nuisance, and to all property chargeable with the expense of abating or removing such nuisance, when the board of trustees have incurred expense in abating or removing same. That no person shall be required to make a sidewalk in front of his or her premises until after the street in front of such shall have been curbed for the sidewalk thereof at the expense of the town, and of suitable material for the sidewalks so ordered to be made.

## ARTICLE X.

*Collection of Taxes and Assessments.*

§ 1. That the board of trustees shall have power, by ordinance, to prescribe the form of assessment-rolls, and prescribe the duties and define the powers of assessors, and to make such rules and give such directions in relation to attending, revising, or adding to the rolls as they may deem proper and expedient.

§ 2. That the annual assessment-rolls shall be returned by the assessor on or before the first day of May in each year; but the time may be extended by the order of the board of trustees. On the return thereof the board of trustees shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing; and any person feeling aggrieved by the assessment of his property, may appear at the time specified and make his objections. The board of trustees shall have power to supply omissions in said assessment-rolls; and for the purpose of equalizing the same, to add to, take from, to alter, or otherwise correct and revise the same.

§ 3. That when the assessment-roll shall have been corrected and revised, the same shall be filed, and an order confirming the same shall be entered by the clerk. The board of trustees shall thereupon, by an ordinance or resolution, levy such sum or sums of money as they may deem proper, not exceeding the amounts authorized by this act, and, by warrant, direct the collector to collect the same.

§ 4. That all taxes and assessments, general or special, levied or assessed by the board of trustees under this act, shall be a lien upon the real and personal estate upon which the same may be imposed, voted, or assessed, until such tax shall be paid, and no sale thereof shall affect the lien thereon; and no property shall be exempt from sale for the payment of such taxes or assessments, except such as is by this act exempted from taxation. Any personal property belonging to the debtor may be taken for the payment of taxes, and sold by the collector after ten days' public notice of such sale, posted up at four public places in said town.

§ 5. That the town clerk shall issue a warrant or warrants for the collection of taxes; and every warrant issued for the collection of general or special taxes and assessments shall be

signed by the chairman of the board of trustees and the clerk, and shall contain a true and perfect copy of the corrected assessment-roll upon which the same may be issued. All such warrants shall be delivered to the collector of the town for collection within twenty days after the filing of the corrected rolls, unless further time be given by the board of trustees. If not otherwise paid, the board of trustees of Weston shall have power to collect said taxes and cost by suit in the name of the board of trustees of Weston, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same. The assessor's roll shall, in all cases, be evidence on the part of the board of trustees of Weston; and notice published by the collector, by sticking up written or printed notices at four public places in said town for ten days, shall be deemed a demand, and a neglect to pay for twenty days thereafter shall be deemed a refusal to pay such taxes or assessments.

§ 6. That the collector shall pay all taxes and assessments as fast as collected into the town treasury; and his powers, duties, and liabilities, in case of a default or misconduct, shall be prescribed by the board of trustees by ordinance.

§ 7. That in case of non-payment of any taxes, assessments, levied or assessed under this act upon real estate, so much of the premises as may be sufficient to pay the same may be sold to the highest bidder, at public auction, for cash in hand, at any time within two years after the confirmation of the assessment by the board of trustees. Before any such sale an order shall be made by the board of trustees, which shall be entered at large in the records kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the tax or assessment for which the sale shall be made; a certified copy of which order, signed by the chairman of the board of trustees and the clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale shall be made.

§ 8. That the collector shall then advertise such premises for sale, by posting written or printed notices at four public places in said town for ten days, describing the said premises, and giving the name of the owner, when known, and the several amounts of taxes or assessments thereon, and the time and place of sale.

§ 9. The collector shall be allowed such fees for selling as the board of trustees shall prescribe. The clerk shall keep a record of such sales, which shall be open to the public inspection at all reasonable times.

§ 10. That the right of redemption, in all cases of sales of real estate for taxes or assessments, shall exist to the owner or his heirs for the period of three years from the day of sale, on payment of twenty per cent. on the amount for which it was sold, and all taxes accruing subsequent to the sale. If the real estate of any infant or *feme covert* or lunatic be sold under this act as aforesaid, the same may be redeemed at any time within three years after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the town clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed, the board of trustees shall, upon the return of the certificate of sale, or proof of its loss, direct the collector or his successor to execute a deed to the purchaser, conveying to such purchaser the premises so sold and unredeemed as aforesaid. The collector may charge a fee of one dollar for every deed so made, and an amount sufficient to pay other necessary costs of such deeds, to be taxed as other costs.

§ 11. If at any sale of real or personal estate for taxes or other assessments no bid shall be made for any parcel of land or any grounds or chattels, the same shall be struck off to said board of trustees for the benefit of the town; and thereupon the board of trustees shall receive from the officer making the sale a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales, and for the benefit of the town, and the collector shall execute to the purchaser a certificate of sale for all real estate sold for tax.

§ 12. Any deed or duly authenticated copy of the record thereof, made for real estate sold for taxes or assessments, shall be *prima facie* evidence of the power and authority to sell the same; that all proceedings in reference to such sale and levying the taxes or assessments for which the same was sold were regular.

#### ARTICLE XI.

§ 1. That the board of trustees shall, at least ten days before the annual assessment of taxes as hereinbefore pro-

vided. or the first day of May in each year, cause to be posted in two public places in said town a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former were derived, and their mode of disbursement, together with such other information as may be necessary to a full understanding of the financial concerns and conditions of the town.

§ 2. Every ordinance, by-law, or regulation imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions shall, after the passage thereof, be published one week by posting up written or printed copies, or a synopsis thereof, at four public places in said town.

§ 3. That the members of the board of trustees shall be exempt from paying poll-tax and labor on the streets.

§ 4. That it shall be the duty of the board of trustees, at all times, to keep the streets, alleys, lanes, and highways in said town in good order and condition, and for every failure so to do, they shall, upon indictment and conviction in the Crittenden circuit court, forfeit and pay, for the use of said town, not less than ten dollars nor more than one hundred dollars; and such fine shall be paid by the members of the board of trustees out of their individual estates, share and share alike.

§ 5. All ordinances, regulations, or by-laws now in force in said town, and not inconsistent with this act, shall remain in full force under this act until altered, modified, or repealed by the board of trustees after this act shall take effect.

§ 6. All actions, rights, fines, penalties, and forfeitures in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the board of trustees of Weston hereby created and provided for.

§ 7. That all property, real, personal, or mixed, belonging to the town of Weston, or the board of trustees of Weston, is hereby vested in the board of trustees of Weston, created or provided for by this act, and the officers of said town now in office shall respectively remain and continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act.

§ 8. That this act shall not invalidate any legal act done by the board of trustees of Weston, or by its officers, nor divest their successors under this act of any rights of property.

or otherwise, or liability which may have accrued to, or been created by, said corporation prior to the passage of this act.

§ 9. That all acts or parts of acts inconsistent herewith are hereby repealed; and this act may at any time be altered, modified, or repealed by the General Assembly of Kentucky.

§ 10. Merchants and business men in said town may, during the day-time, and only during the day-time, shall have the privilege of occupying three feet of the sidewalks fronting their business houses for the purpose of receiving or exposing their goods for sale.

§ 11. The Crittenden county court shall not grant a license to any merchant or tavern-keeper to sell spirituous, vinous, or malt liquor until the person applying for such license shall produce to said county court a certificate from said board of trustees that the town tax required by this act has been paid by such applicant.

§ 12. That all persons licensed by the board of trustees of said town to keep a coffee-house, before they shall enter upon said business, execute, with good security, a bond as required by the general laws of Kentucky, in the office of and before the clerk of the Crittenden county court, who shall safely preserve said bond.

§ 13. This act shall take effect from and after its passage.

Approved March 21, 1882.

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## CHAPTER 521.

AN ACT for the benefit of George W. Sheets, of Hopkins county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor is hereby directed to draw his warrant upon the Treasurer in favor of George W. Sheets, of Hopkins county, for the sum of twenty-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 21, 1882.

CHAPTER 522.

AN ACT to authorize the marshal of the town of Rochester, Butler county, to pay all money collected on fines for violation of ordinances or by-laws of said town into the treasury of said town.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the marshal of the town of Rochester, Butler county, is hereby authorized to pay all money he may collect on fines for violation of the ordinances or by-laws of said town into the treasury of said town.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1882.

CHAPTER 524.

AN ACT for the benefit of Marshall B. Hendricks, of Ballard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Marshall B. Hendricks, of Ballard county, be relieved of the disability of infancy, and he is authorized to make contracts, and he shall be liable on his said contracts, and he shall have all the rights of an adult citizen, except he shall not have the right to vote.

§ 2. This act shall take effect from its passage.

Approved March 21, 1882.

CHAPTER 525.

AN ACT for the benefit of the John N. Norton Memorial Infirmary.

WHEREAS, It is represented to this General Assembly that the John N. Norton Memorial Infirmary has been organized and incorporated in accordance with the provisions of chapter fifty-six of the General Statutes, and has recorded its articles in the Jefferson county court clerk's office ; and whereas, the object of said corporation is the care and nursing of the sick, and the collection of donations for that purpose, and the building and management of a hospital in the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the property, real and personal, of the John

N. Norton Memorial Infirmary held by it, or by trustees for its use or benefit, shall be free from all taxation or assessment, whether for State, county, or municipal purposes.

§ 2. That this act shall take effect from the first day of January, 1882.

Approved March 21, 1882.

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#### CHAPTER 527.

AN ACT to incorporate the Purchase Telephone Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. C. Dupoyster, A. S. Taylor, F. C. Marshall, G. W. Mantle, W. H. Jones, S. K. Hinchey, and Thos. B. White, their associates and successors, are hereby created a body-corporate and politic, with power to sue and be sued, to plead and be impleaded, to contract and be contracted with, under the name and style of the Purchase Telephone Company.

§ 2. They are empowered to erect, operate, and maintain a telephone line or telegraph line, or both, from Paducah, in McCracken county, Kentucky, to Cairo, Illinois, by way of Lovelaceville, Blandville, and Wickliffe, in Ballard county, or they may erect said line of telephone or telegraph, or both, to or from either of the places above named, or to or from or between intermediate points on said route from Paducah to Cairo, and to and from such other points in the seven counties west of the Tennessee river as they may deem expedient; and said company is hereby invested with all the powers, privileges, and franchises incident and usual to corporate bodies incorporated under the laws of this Commonwealth, and shall have power to make such rules and regulations, and alter and amend the same, as to them shall seem best, not contrary to the laws of this State or the United States.

§ 3. Any two of the corporators above named may act as commissioners to open books, receive subscriptions for the purpose aforesaid, and to issue certificates of stock; and when fifty shares of stock shall have been subscribed, shall call a meeting, and organize by electing a president and four other stockholders, who shall constitute a board of directors.



§ 4. Said board shall continue in office one year, and until their successors shall be elected and qualified, at a meeting of the stockholders to be held annually for that purpose in Blandville, on such day and at such place in said town as the board may direct, of which due notice shall be given to the stockholders.

§ 5. The board may appoint such other officers as they may deem necessary to carry out the purposes of this act, and to carry on the business of the corporation; and may make all needful rules, regulations, and by-laws in regard to said company and its business, and shall require bond, with good security, from the treasurer, or others holding the funds of said company, to fully secure the same.

§ 6. The capital stock of said company shall not be less than five hundred dollars nor more than ten thousand dollars, divided into shares of ten dollars each.

§ 7. Said company may acquire, hold, and convey and dispose of real estate as other corporations may do under the general laws of this State, to an amount not exceeding three thousand dollars in value; and may acquire, hold, and dispose of such personal property as may be necessary for the proper carrying on of their business.

§ 8. In no case shall the private property of stockholders be liable for the debts of the company.

§ 9. This act shall take effect from its passage.

Approved March 22, 1882.

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#### CHAPTER 528.

AN ACT to amend the articles of incorporation of the Chattaroi Camp-meeting Association.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any one to sell, loan, or give spirituous, vinous, or malt liquors, or the mixture with either, to any one within the grounds of the Chattaroi Camp-meeting Association, or within two miles thereof, during the days camp-meeting or other church, festival, or educational meetings are held on said camp-grounds. Any one so offending shall be fined not less than twenty-five nor more than one hundred dollars, to be recovered by indictment or warrant in any court having jurisdiction, and every selling, loan-

ing, or giving shall be deemed and held a separate offense: *Provided.* This section shall not be construed to prevent licensed venders of liquors from selling same.

§ 2. *Be it further enacted,* That for the purpose of putting said camp-grounds under more perfect police regulations and control, and carrying out and enforcing the provisions of this act, said camp-grounds are hereby placed under the police regulations of the town of Louisa; and during the camp-meetings or other church, festive, or educational gatherings on said grounds, it shall be the duty of the marshal of the town of Louisa to appoint one deputy, if required by the board of trustees of said association, to attend and remain on the camp-grounds during such gatherings as named above, whose duty it shall be to preserve order and arrest all disturbers of the public peace, or violators of the laws of this State, or by-laws, rules and regulations of this association, or the provisions of the first section of this act, and bring them before the police judge of Louisa for trial or examination for further trial; and said marshal have the same fees now allowed by law for similar services, to be paid in the same way: *And provided further,* The board of trustees shall have the power to employ special police to patrol said grounds, and agree with them for compensation; but before any one shall be allowed to act under this provision, they shall take an oath to faithfully perform the duties required of them, and to give bond for the faithful discharge of their duties, which bond shall be given and oath taken before the police judge of Louisa, and entered of record in his court, and preserved among the records thereof; and all arrests made by said special police shall be turned over to said police judge for trial or examination.

§ 3. *Be it further enacted,* That this act shall be in force from and after its passage.

Approved March 22, 1882.

#### CHAPTER 529.

AN ACT to authorize J. Thomas McFadden to enter as a pupil into the Kentucky Institute for Deaf Mutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. Thomas McFadden, of Hopkins county, is

hereby authorized to enter as a pupil into the Kentucky Institute for Deaf Mutes at Danville, and when so received, shall be entitled to all the privileges of other pupils or inmates, and be subject to all the rules and regulations prescribed by law for the government of said institution.

§ 2. This act shall take effect from its passage.

Approved March 22, 1882.

# CHAPTER 530.

AN ACT to amend an act, entitled "An act to incorporate the town of Caseyville, in Union county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That hereafter all the powers now or heretofore vested in, all the rights belonging to, and the privileges exercised by, the board of trustees of Caseyville shall vest in, belong to, and be exercised by the present board and their successors, who shall henceforth be known and styled the town council of Caseyville. Style.

§ 2. The said town council shall consist of five members, three of whom shall constitute a quorum for the transaction of any and all business coming regularly before the body. The members of said town council shall be elected on the first Monday in August in each year, and shall continue in office till their successors are duly elected or appointed and qualified, and shall be elected from qualified persons resident in the town. Quorum.

§ 3. It shall be the duty of the clerk of the town council, or of some other suitable person chosen by the town council, to hold all elections hereby provided for, such person being first sworn faithfully to perform the duties of his said office; it shall be his duty to open a poll at a convenient public place in said town, said poll to be kept open from a convenient hour in the morning until five o'clock in the evening, so as to give all persons entitled an opportunity of voting. He shall keep a fair and correct poll or list of all the votes cast, by whom, and how cast; and in cases of elections of members of the town council, shall return the same duly certified to the said council at the first meeting thereof next after the election; and the town council shall thereupon examine the poll, Elections.

ascertain the result, and by appropriate entries on their minute book declare the same.

§ 4. A separate poll and list of votes cast for police judge and town marshal shall be kept by the clerk, which he shall certify in the same way, and shall, within two days after the election is held, return or cause to be returned and filed with the clerk of the Union county court, where the same shall be examined, the result ascertained, declared, and certified in the same way and by the same board as is required in case of elections of justices of the peace and constables.

Voters.

§ 5. No person shall be entitled to vote at elections held under this act who is not at the time a resident of the town and qualified to vote for members of the General Assembly.

§ 6. In case of a failure to hold an election at the time required by law, upon a failure of a majority elected to qualify, or where as many as three vacancies occur or exist, the county judge shall appoint a sufficient number to constitute a full board; but the said council shall fill other vacancies occurring by death, removal, resignation, or otherwise.

Tax.

§ 7. The town council shall have power to levy and collect annually an ad valorem tax of not exceeding one dollar on the one hundred dollars' worth of property, real and personal, owned in the town, and a poll-tax of one dollar per capita on each legal voter in the town for town purposes, and for all said taxes shall have a lien on all the property so owned in the town, or if not a sufficiency of such property be found in the town, then any property owned elsewhere in the county of Union shall be subject to said lien for taxes; but such lien shall be subordinate to the lien in favor of the State and county for taxes due by the owner thereof to the State or county; and the lien herein provided for shall be enforced by levy, distraint, and sale anywhere in the county said property may be found, except that land shall be sold in Caseyville or at the court-house door in Morganfield. Assessments shall be made as of the first of January in each year, and the assessor shall have the same rights and powers to enable him to discharge his duties that the county assessor has, and the town council shall have the same rights and powers in the matter of revising the assessments that are vested in the county board of supervisors. The assessor shall complete his lists and return the same to the town council by the first day of March in each year, and his compensation shall be fixed by

the council. The assessor shall be chosen by the town council, and shall be sworn faithfully to perform the duties of his office. The same property shall be subject to taxation under the provisions of this act, that is subject to taxation for State and county purposes.

§ 8. On or before the first of April in each year the town council shall place the tax-books in the hands of the town marshal, whose duty it shall be to collect the same as it has heretofore been the duty of the tax collector for said town to do, and he shall have all the powers and authority that said collector has, and the sureties on his official bond shall be liable with said marshal in the same way, to the same extent, and enforceable in the same way as has heretofore been provided for the tax collector and his sureties. Should the marshal's office be vacant, the council may appoint a tax collector, who shall execute bond, perform the said duties of the marshal in the matter of collecting the taxes, and, with his sureties, be liable in the same way.

§ 9. The marshal shall have the same power to garnishee for taxes due the town anywhere in the county that is given to sheriffs by the general laws of the State, and the proceedings shall be had before the police court of Caseyville. The marshal shall also have the same power to assess voters and property subject to town taxation, and which he may find to have been omitted by the assessor, that the sheriff has in similar cases.

§ 10. The town marshal shall make a final settlement of his accounts for the preceding year with the town council, on or before the first of January in each year, and shall settle up and pay over to the council, or to the proper person, all taxes, fines, or other moneys collected by him for the town from all sources. The council shall examine and pass upon his accounts and his report of delinquent tax-payers, and shall have the same power and discretion as to allowing or disallowing the same, and of putting the same out again for collection, that the county levy court has in such matters in settlements with sheriffs or collectors of State and county revenue. Said council may require him to make partial settlements at any time.

§ 11. The town council may direct the marshal to work delinquent tax-payers on the streets or other public places of

the town until their taxes are paid, at the rates of one dollar a day for their work; and if such delinquent tax-payer fail or refuse to work when summoned to do so by the marshal, he shall be summoned to appear before the police judge, and shall be liable to a fine for such failure of five dollars and costs, to be collected as other fines due the town.

§ 12. The police judge shall, at such times as the town council may require, make settlements with the council, and pay over to them or the proper person all moneys collected by him for the town from fines or other sources.

§ 13. The town council shall have power to license livery stables, town wagons, carts and drays, peddlers, trading-boats, shows of all kinds, circuses, menageries, theaters, and all similar institutions or public amusements carried on in the town, or one half mile thereof, billiard and other like tables, nine and ten-pin alleys, and the like. They may lay off and rent out the landings in front of the town, and license wharf-boats, coal-yards, and the like. They shall, by the enactment of suitable ordinances, provide for the protection of those licensed hereunder, and impose penalties upon those prosecuting these callings without license so to do; and the licenses herein provided for, and the penalties authorized to be imposed, shall be in addition to those provided for by the State laws.

§ 14. The town council shall, by appropriate enactments, provide for the punishment of the officers of the town who fail or refuse to perform their official duties, which punishments shall not exceed a fine of fifty dollars and thirty days' imprisonment, either or both, and shall not be in lieu of the punishments now provided by the laws of the State for official misconduct.

§ 15. The town council shall have power, in the exercise of their discretion, to build or otherwise provide a suitable house or room for the holding of the police court and meetings of the council; to pay the town clerk and marshal suitable salaries as a reward for faithfulness in office, and it shall be the duty of the council to provide a secure and suitable calaboose or town prison. Said council shall have power to adopt quarantine regulations and enact ordinances for the protection of the health and to insure cleanliness of the town, and to fix and enforce the same by appropriate penalties.

§ 16. Offenses committed within the limits of the town of Jurisdiction. which the police judge and police court have jurisdiction, shall be prosecuted, when before said judge or court, in the name of the Commonwealth of Kentucky, for the use and benefit of the town council of Caséyville, when the offense is one against the laws of the State; and the town council shall have the benefit of all fines and forfeitures accruing from such prosecutions, and the town attorney shall be under the same obligation to prosecute in such cases as in cases for the violation of town ordinances; but where imprisonment is assessed as part of the punishment for offenses so tried, the imprisonment may be either in the county jail or in the town prison, and when the convict is to do labor as part of his punishment, the same may be upon the streets of the town as the court may direct.

§ 17. The town council shall have power to pass all ordinances necessary for the improvement of the streets, walks, and other public property of the town, and for keeping the same in repair, and may direct what kind of such improvements shall be made, what material shall be used, and whether the same shall be at the expense of the town or at the expense of the owners of property lying on the streets, alleys, walks, or ways to be improved. The council may require the streets, gutters, or sidewalks to be paved, curbed, or graveled, or otherwise improved, as the council may deem best, and may direct within what time said work shall be done, and shall have the right to receive or reject the same if not done according to the requirements.

§ 18. Ordinances adopted in pursuance of the last section Ordinances. shall be published, or written notices thereof posted in the usual way, at two or more public places in the town, and when so done shall be considered notice to all persons whatever of the requirements thereof.

§ 19. When the owner of any property ordered to be improved as aforesaid, or lying on such streets, alleys, walks or ways so ordered to be improved or repaired at the expense of the owner, fails or refuses, within the time required by the order and notice to do the work or improvement required, the town council may do or have said work done, and for the cost thereof shall have a lien upon the said property, with interest from the time of the completion of the work, and for

all costs attending the proceedings to perfect and enforce the lien.

§ 20. The liens hereinbefore provided for may be enforced by appropriate proceedings in the police court of Caseyville, where the amount of the lien claimed, exclusive of interest and costs, does not exceed the jurisdiction of the court, and the town marshal or some other suitable person selected by the court shall make all sales of property decreed to be sold under the provisions of this act, and shall report to the said court, and make such conveyances of said property so sold and reported, as the court may direct. Where the amount of the lien claimed exceeds the jurisdiction of said court, the proceedings shall be instituted in the circuit court of the county, and shall conform to the practice in chancery cases in said court.

§ 21. Property sold as hereinbefore provided, to enforce said liens for work and improvements, may be redeemed by the owner, his heirs, representatives or assignee, at any time within two years next after the date of the sale, upon payment to the purchaser of the purchase-money and interest, and likewise for all buildings or other improvements put upon the property by the purchaser before redeemed. Non-residents of the State shall have five years in which to redeem, and infants shall have two years after arriving at the age of majority; the value of the improvements at the time of redemption shall govern in such cases. The town council may buy, hold, or sell, for the benefit of the town, property sold as aforesaid.

§ 22. Copies from the books of the town council of all orders, ordinances, and entries therein made, when certified by the clerk of the council or by the president of the town council, shall be *prima facie* evidence in all courts of the truth of the matters therein contained.

Approved March 22, 1882.

Evidence.

#### CHAPTER 531.

AN ACT to amend an act incorporating the of Pineville, in Bell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section eleven of said act be so amended as to read as follows, viz: That the trustees of said town shall



have power to levy and collect a tax of one hundred to five hundred dollars on each hotel-keeper, coffee-house keeper, or other vendor of spirituous or malt liquors within the corporate limits of said town; and that before said board of trustees shall grant any hotel-keeper, coffee-house keeper, or other person a license, a majority of a full board of all the trustees authorized or required to act, or to be elected or appointed for said town, shall concur in granting said license.

§ 2. This act shall take effect from its passage.

Approved March 22, 1882.

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CHAPTER 532.

AN ACT to prohibit the selling, giving, or loaning of spirituous, vinous, or malt liquors in Walbridge, in Lawrence county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any one to sell, give, or loan any spirituous, vinous, or malt liquors, or mixture thereof, in Walbridge, in Lawrence county, Kentucky, or within a radius of two miles thereof. Any persons so offending shall be deemed guilty of keeping a tippling-house, and shall be subject to the pains and penalties imposed therefor: *Provided, however,* That any person may give to a neighbor, when visiting his or her house, or a physician may administer a drink of either of said liquors, without incurring the penalties above imposed.

§ 2. After the approval of this act, no license shall be granted to any person to sell any spirituous, vinous, or malt liquors within the boundary specified in the first section of this act.

§ 3. This act shall be in force from and after its passage.

Approved March 22, 1882.

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CHAPTER 533.

AN ACT to incorporate the National Lodge of Reapers.

WHEREAS, Certain persons, citizens of Kentucky, Tennessee, Missouri, and Illinois, have formed a corporation to promote benevolence, morality, industry, mutual protection, and assistance in said States and the United States; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. C. Dupoyster, R. N. Adams, George Mimnus, R. B. Smith, S. B. Penn, Charles Straughn, Thomas C. Marshall, W. J. Puckett, T. T. Gardner, R. R. Wakefield, Willis Ringo, W. H. Penn, jr., J. F. Holt, S. K. Hinchy, Simon Holt, W. H. Card, J. A. Cummings, J. M. Roach, J. D. Ferguson, and their successors, be, and are hereby, created a body-politic, to be known by the name, style, and title of the National Lodge of Reapers; and by such name and title shall have perpetual succession, and be capable in law of suing and being sued, pleading and being impleaded, and of purchasing, leasing, holding, granting, and receiving, in its corporate name, property, real, personal, and mixed, and of instituting grand and subordinate lodges as it may see fit, under such by-laws, rules and regulations, as the corporation may enact, and not in conflict with the laws of this State and the United States.

§ 2. The objects of the corporation shall be to unite fraternally all acceptable white men of any reputable profession, business, or occupation, who are over eighteen years of age; to give all possible moral and material aid in its power to its members and those depending on its members, by holding moral and instructive lectures, and by distributing among its members general information resulting from a collection of statistics of every branch of agriculture and all other industries, and by encouraging each other in business.

§ 3. The said national lodge shall have a common seal for making and delivering all legal acts and proceedings, the same to break or alter at pleasure.

§ 4. The said national lodge may provide for holding annual, biennial, triennial or special meetings, at such time and place as a majority of its voting members may select.

§ 5. The private property of members of the corporation shall be exempt from the corporation debts.

§ 6. The said national lodge shall provide for the election of such officers as it may deem necessary to transact the business of the corporation and to further its objects, who shall hold office until their successors are duly elected, qualified, and installed into office.

§ 7. The national lodge shall have power to create, by assessment, hold and disburse, any fund which may be necessary for promoting the objects of the corporation.

§ 8. This act shall be in full force and take effect from and after its passage.

Approved March 22, 1882.

CHAPTER 534.

AN ACT to amend an act, entitled "An act to create the office of county treasurer for Campbell county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of section four of said act embraced in the proviso thereof, and which gives to the sheriff the right to pay off claims against the county out of the county levy, and to receive credit for the same, be, and the same is hereby, stricken out and repealed.

§ 2. That any treasurer hereafter elected under the provisions of said act may qualify at any regular term of the county court in said county, at either Newport or Alexandria, not later than the January term following his election.

§ 3. That it shall be the duty of all persons holding, or who may hereafter hold any money belonging to said county, to pay the same over to said treasurer as soon as he shall be properly qualified under the provisions of this act, and the act to which this is an amendment; and said treasurer may coerce, by suit in his name as treasurer, the payment over to himself of any such funds.

§ 4. This act shall take effect from its passage; and all acts or parts of acts in conflict are hereby repealed.

Approved March 22, 1882.

CHAPTER 535.

AN ACT for the benefit of Joseph Herd, sheriff of Owsley county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Joseph Herd, present sheriff of Owsley county, be, and he is hereby, given the further time of sixty days in which to execute bond before the Owsley county court for

the collection of the State revenue and county levy of said county for the year 1882, and said bond, when executed, shall have the same effect as if executed on the first Monday in January, 1882.

§ 2. The bond mentioned in the preceding section of this act shall be executed before the county judge of Owsley county in the same manner as similar bonds are directed to be executed under the present laws of this State in reference to sheriffs' bonds. And said sheriff, and his securities upon said bond, shall be liable to the same penalties and responsibilities as sheriffs of this Commonwealth are liable under existing laws; and said sheriff shall receive the same fees and commissions as other sheriffs are now entitled to by existing laws for similar services.

§ 3. This act shall take effect from and after its passage.

Approved March 22, 1882.

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#### CHAPTER 536.

AN ACT for the benefit of common school district number forty-one, Warren county.

WHEREAS, Nine children of pupil age were erroneously omitted from the census report of common school district number forty-one, Warren county, for the present school-year ending June 30th, 1882; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor of Public Accounts in favor of the common school commissioner of Warren county for the sum of thirteen (13) dollars and five (5) cents, to be paid out of the unbonded surplus interest belonging to said county for the school year ending June 30th, 1882.

§ 2. This act shall take effect from its passage.

Approved March 22 1882.

CHAPTER 537.

AN ACT empowering commissioners of Kenton county to sell and convey poor-house farm and collect proceeds thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the board of commissioners of Kenton county are hereby authorized to sell and convey the farm and improvements thereon, known as the poor-house farm of Kenton county, and located in said county.

§ 2. That said board of commissioners are authorized to collect the proceeds of said sale ; and said proceeds, when collected, shall only be used for the benefit of Kenton county in such manner as the board of county commissioners may direct.

§ 3. This act shall be in force from and after its passage.

Approved March 22, 1882.

CHAPTER 538.

AN ACT for the benefit of W. N. Smoot, late sheriff of Bath county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That W. N. Smoot, late sheriff of Bath county, have the further time of four years, from the passage of this act, to collect any uncollected fee-bills and any uncollected taxes due him and his deputies for which he has fully accounted and paid ; and said Smoot, or any one of his deputies, his or their sureties, shall have the same power, for said term of four years from the passage of this act, to distrain, levy, and sell, in the collection of any of the said fee-bills and taxes ; but the said Smoot and his sureties on his official bonds, and the said deputies on their bonds, shall be responsible to any one injured by an illegal seizure or proceeding under the privileges of this act ; and the said W. N. Smoot and his deputies shall be subject to all the penalties now in force by law for issuing or collecting illegal fee-bills.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1882.

## CHAPTER 541.

AN ACT to amend an act, entitled "An act to amend the charter of the Covington and Horse Branch Turnpike Road Company," passed February 17, 1871.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the amendment to the charter of said company, passed February 17th, 1871, be so amended as to give said company authority to construct one or more branches to said road; and to charge and collect toll at such points on said several roads for the distance or distances traveled, not greater than provided for in the original charter of which this is an amendment.

§ 2. Said company is hereby authorized to issue bonds of said company not to exceed in amount five thousand dollars, in sums not less than one hundred dollars, payable in twenty (20) years after date. The company to retain the option to pay said bonds, or any part thereof, after the expiration of five years, with interest at the rate of six per cent. per annum, payable semi-annually, with coupons attached, at such place as said company may designate, for the purpose of constructing and putting in condition for travel said road or branches; and said bonds, or the proceeds thereof, shall be used for no other purpose, and shall be signed by the president, and attested by the secretary of said company; and the increase or receipts from toll collected on said road shall, after expenses are paid, be pledged for the interest on said bonds, and a lien shall be, and is hereby, given on said road and branches for the payment of the said bonds. Said bonds shall be issued and sold by said company, but the said bonds shall not be sold for less than the face thereof.

§ 3. Said company shall have power to reduce the grade by cutting down and excavating the high points; and may straighten the same east of and near Myers' stone-quarry; and may collect tolls to repair said road. There shall be no forfeiture of the charter of said company, or of said road or hindrance, while the net proceeds received from tolls are faithfully applied to the keeping of said road in repair.

§ 4. This act to take effect from the date of its passage.

Approved March 23, 1882.

## CHAPTER 542.

AN ACT to empower the county court of Harrison county to subscribe stock to turnpike road companies.

WHEREAS, Districts numbers eight and two, known as Richland and Buena Vista districts, in Harrison county, have been paying taxes for building turnpike roads for the benefit of the richer and more favored sections of the county for the past fifteen years; and whereas, the present aid of \$750 per mile given by the county for such purposes is inadequate to afford them such relief as they require and justice demands to construct roads through their section of said county; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Harrison county (a majority of the justices in commission concurring) shall have authority to make subscription to the capital stock of two turnpike roads, the one to be a continuation of the Cynthiana and Falmouth Turnpike, present terminus being at Two Lick, to be extended as near the center of Richland district as can be agreed upon, to some point on the Pendleton county line, or to intersect the proposed pike leading from Claysville to Falmouth, as the stockholders (hereinafter provided for) may determine. The second road is to penetrate as centrally as may be the Buena Vista district, commencing at some point on Cynthiana and Oddville Turnpike Road, and extending through said district upon the most eligible and direct route to the mouth of Cedar creek, or intersection of turnpike in Nicholas county, as the majority of the stockholders may designate.

§ 2. That before the county court pays anything for the construction of said roads, that a company incorporated into a body-politic for each of said roads shall have procured from individual subscription or otherwise, which, when added to said county subscription, shall be sufficient to complete said roads. The county court shall hear proof and determine whether the amount and solvency of the subscriptions has been made as required.

§ 3. That it shall be the duty of the county court, when such subscription has been made, to borrow sufficient money to pay said subscription if they deem it best to do so, and execute bond for the amount they may borrow, due one day

after date, and bearing interest at the rate of six per cent., payable semi-annually, and that said court shall be empowered to levy a tax sufficient to pay the interest and principal at such times thereafter as they may determine. The tax thus levied shall be collected as the revenue of the county are collected, and set apart exclusively for the purposes as aforesaid.

§ 4. The sheriff shall be responsible for the faithful collection and payment of the same on his official bond as he now is under the law for the collection and payment of the county levy.

§ 5. This act shall take effect from its passage.

Approved March 23, 1882.

#### CHAPTER 543.

AN ACT to establish a system of public graded schools in the town of Greenup, Greenup county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary.

§ 1. That the boundaries of common school district No. 4, which embraces the town of Greenup, are fixed and established as follows: beginning at the corner of the dividing line between the lands of James Martin's heirs and the lands of the Eastern Kentucky Railway Company on the Ohio river; thence down said river to the mouth of Coal branch; thence with boundary line of the lands of Ed. F. Dulin, so as to include the lands of said Dulin and the lands of Charles Callihan; thence with the dividing ridge between Coal branch and Little Sandy river to the head of California hollow; thence down said hollow to its junction with Sandy river; thence up Little Sandy river, with its meanderings, to the upper line of the lands of Archey Womack; thence with said line to the top of the dividing ridge; thence in a north-easterly course to where the lands of John Seaton and that of Archey Womack corner on the ridge dividing the waters of Little Sandy river and the waters of W. Hollow; thence with said ridge so as to include all of the lands of John and Mary E. Seaton, on the north side of the ridge, and on with said ridge to the mouth of W. Hollow; thence across the Town branch to the line of the lands of James Martin's



heirs, so as to include all the lands of George Hockaday below the mouth of W. Hollow; thence with the line of Jas. Martin's heirs to the beginning on the Ohio river.

§ 2. That all the territory embraced within the above described boundary be, and is hereby, incorporated as school district No. 4, Greenup county, which shall be under the control and management of a board of education to be elected by the qualified voters of said district, on the first Monday in May, 1882, between the hours of one o'clock, P. M., and six o'clock, P. M. The first election held under this act shall be held at the court-house in the town of Greenup, at the time above named; thereafter said election shall be held annually on the first Monday of May in each year, between the hours above named, and at any point fixed upon by the board of education within the town of Greenup, Kentucky. All elections for trustees held under this act shall be conducted in the same manner as prescribed in article one, section seven, of chapter eighteen, of General Statutes.

§ 3. Five persons shall be elected as school trustees for district No. 4, who shall be styled the board of education of the Greenup public school, and by that name shall be known as a body politic and corporate, and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever. Trustees.

§ 4. The said trustees so elected shall take an oath faithfully to discharge their duties; and shall, within two weeks after their election, meet and organize by electing one of their number secretary, and another treasurer. The trustees first elected under this act shall hold their offices as follows: one for one year, one for two years, one for three years, one for four years, and the other for five years, and they shall determine by lot their respective terms, which shall be entered upon their minutes. The trustee having the shortest term of office to serve shall be chairman of the board of education; thereafter there shall be elected one trustee each year at the time fixed in the second section of this act, who shall fill the vacancy caused by the outgoing chairman. Oath Terms.

§ 5. The treasurer, before entering upon his duties, shall execute a bond to the board of education, with two or more sureties, to be approved of by said board of education, con- Treasurer—bond

ditioned for the faithful performance of his duties, and to pay over to the proper persons all moneys which may come into his hands by virtue of his said office. It shall be the duty of the treasurer to receive all moneys from whatever source due said district, receipt for the same, and pay it out on the order of the board of education, signed by the chairman and secretary of said board, taking receipts therefor, and at all times keep accurate and true accounts, in a well bound book, of all his acts, always open for inspection by the board, and perform such other duties as may be prescribed by said board of education. The secretary shall attend all meetings of the board, keep a true record of all their proceedings in a well bound book, keep all their records and papers, and perform such other duties as the board may prescribe from time to time.

Vacancy.

§ 6 Should a vacancy occur in said board of education by resignation, death, or otherwise, it shall be the duty of the board to elect and supply any such vacancy that may occur, from time to time; said election to be for the unexpired term of the person or persons vacating.

§ 7. The control and management of the public schools in the town of Greenup and the boundary heretofore indicated, and the property and funds belonging thereto, and which may accrue in any way to them, or for their establishment, management or maintenance under this act or otherwise, shall be vested in said board of education and their successors in office.

§ 8. The board of education shall have power to make all by-laws and rules for the government of themselves and their appointees, and for the dispatch of business and for the management, control, and government of the schools, and to enforce such by-laws and rules by suitable fines and penalties to be recovered in any court having jurisdiction of the amount, and all such fines and forfeitures shall be paid to the treasurer of said board of education by the collecting officer, and be a part of the school fund for said district.

Quorum.

§ 9. A majority of the members of said board shall constitute a quorum for the transaction of business. They shall meet at least once in every month, and shall fix the time of their meeting, and may meet as often as to them may seem necessary for the transaction of business.

§ 10. Said board shall cause to be kept a regular and correct journal of their proceeding in a well-bound book, which shall at all times be open to the inspection of any of the members of said board or any citizen of said school district, but shall not be taken out of the possession of the secretary of the board of education.

§ 11. The board of education shall appoint all teachers and other persons necessary to successfully carry on said schools, and prescribe all rules for its government, and fix their compensation or salaries, and may dismiss or suspend any teacher or other person appointed by them; and in no case whatever shall any other than a graduate of some college or university of good reputation be appointed as principal or superintendent of said school. The board shall prescribe the branches of education to be taught in the school, grade the school and classes, and prescribe the necessary qualifications for and the mode of examination of pupils or persons applying for admission to the school.

§ 12. That all white children over six and under twenty years of age within said district shall have equal right of admission to the school of said district, and no fees or charges for their tuition shall ever be charged in said school; but the board of education herein has the right to admit any white non resident pupil into said school upon such terms and conditions, and upon payment of such charges as to the said board may seem reasonable; and all sums received for such tuition shall constitute part of the school fund of said district.

§ 13. Said board of education shall, at the end of each school year, cause to be made out a report, in writing, showing the amount of receipts and expenditures for the year, and the amounts of funds on hand, if any, and the condition of the property belong to the corporation and value of same. Said report shall be signed by both the chairman and secretary of said board of education, and shall be posted up at some conspicuous place in said school district for the inspection of the citizens, or they may cause the said report to be published in any newspaper published in Greenup county.

§ 14. That said board of education shall have all the authority and rights, in addition to the powers herein expressly granted, which pertains, by the general law, to trustees of common schools. They shall make all such enumerations

Pro rata school  
fund.

and census returns as may be required by law to the common school commissioner of Greenup county, and shall have the right to receive and appropriate to the school of said district the funds or taxes due or to become due from the State to the common schools; and it shall be the duty of said school commissioner to pay the same to them or their treasurer, at such times as payments are prescribed in the revised school laws of the Commonwealth.

§ 15. The board of education shall have the power to regulate and determine the length of terms and sessions of said school in each school year, and for what length of time such schools shall be taught in each department of said school each year: *Provided, however,* That they shall have taught a free school for five months every year, and not longer than nine months in each year.

Bonds.

Interest.

§ 16. The board of education are hereby directed and empowered to issue the bonds of said corporation in sums and denominations that may be agreed upon by said board of education for a sum not exceeding six thousand dollars; said bonds to bear interest at the rate of six per cent. per annum, and to run such length of time as they may determine, not, however, to exceed ten years from their date, the interest to be paid annually; and when said bonds are issued, they shall be sold for cash, at not less than their face value. The bonds shall be signed by the chairman of the board of education, and countersigned by the clerk of said board, and attested by the county court clerk of Greenup county, and the proceeds to be used by the board of education in purchasing suitable grounds, and in the erection of such buildings as the said board may deem necessary, and to provide for all necessary furniture and libraries for the use of the school, and for nothing else.

Tax.

§ 17. And to provide for the payment of these bonds, principal and interest, the board of education of school district No. 4, Greenup county, are hereby empowered to assess, levy, and collect an annual tax, in any sum they may deem necessary, not to exceed fifty cents on each one hundred dollars' worth of taxable property each year, and a poll-tax not exceeding one dollar on each white tithe in said district each year, to be applied in payment of bonds, principal and interest; and said bonds shall be paid at the time agreed upon by the said board of education on their face; and all property

which is or may be taxable within the limits of said school district No. 4 shall be bound for the payment of the bonds, with their interest. The taxable property in said school district shall be ascertained from the assessor's books of Greenup county for each year. The tax herein authorized shall be collected for the year 1882, and continue from year to year until all of said bonds and interest are paid off in full, and then said tax shall cease.

§ 18. The property of white persons only shall be taxed for the purposes herein indicated.

§ 19. The board of education are hereby authorized and empowered to assess, levy, and collect, an annual tax, not to exceed fifteen cents on each one hundred dollars in value of real and personal property in said school district, to be collected and paid to the treasurer of the board of education for the purpose of the payment of teachers and furnishing fuel and other incidental expense of the school in said district.

§ 20. That it shall be the duty of the board of education to have an assessment made of all the property of white persons situated in said school district subject to taxation for State revenue, and also to list the white voters living in said district for capitation tax, and assess the tax thereon as provided for in sections seventeen and nineteen of this act; and they shall place said assessment and tax-list in the hands of the sheriff of Greenup county, taking the sheriff's receipt therefor, whose duty it shall be to collect the same; and he shall have the same powers of levy and distress in collecting the same that sheriffs have in collecting taxes assessed for State revenue purposes. That said sheriff shall, within two months after said lists are placed in his hands, pay one half of said taxes to the treasurer of said corporation, and the other one half of said taxes to the said treasurer within four months from the day of receipt of said list, subject, however, to the law relating to delinquent tax-payers for State revenue purposes and county levy. The sheriff shall be allowed six per cent. commission for collecting any tax authorized by this act, and no more. The said sheriff, with his surety, shall be liable on his official bond for all money collected by himself or deputies under the provisions of this act.

§ 21. If the sheriff, whose duty it is made by section twenty of this act to collect all taxes herein authorized by the

provisions of this act, for the benefit of this corporation, shall fail to pay the same over to the persons entitled to receive it when due and demanded, or should make any false report, statement, or evasion of facts which should in any way deprive any person of any part of the school fund that might be due them.

§ 22. The board of education shall proceed, immediately after their election, to the erection of such buildings as they may deem necessary, and such buildings shall be completed and furnished in good condition within two years from the passage of this act.

§ 23. This act shall take effect and be in force from its passage.

Approved March 23, 1882.

## CHAPTER 545.

AN ACT to incorporate Highland College.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Style. § 1. That an institution of learning be, and the same is hereby, incorporated and established at Frenchburg, Menifee county, Kentucky, to be known by the name of Highland College.

Trustees. § 2. That J. F. Greer, S. M. Vanarsdell, J. M. Oliver, James Armitage, sr., J. K. Bates, and B. F. Day shall be, and they and their successors in office are hereby, constituted a body-politic and corporate, to be known by the name of the Trustees of Highland College; and by that name shall have perpetual succession and existence, and a common seal, which they may alter at pleasure.

Capital stock. § 3. That said trustees may raise by subscription a capital stock not exceeding fifty thousand dollars, payable in shares of twenty-five dollars each, payable at such time as the board may direct, to purchase necessary grounds, and erect necessary buildings, and endow said college; and when, in their judgment, a sufficient amount of money is subscribed, the stockholders shall meet and elect of their number five trustees, who shall govern said college until their successors are elected and qualified; and said stockholders may elect trustees annually at such time and manner as they may deem

best; and each share shall be entitled to one vote in elections

• § 4. That said trustees may appoint one of their members and stockholders' meetings.

President.

president, and fill any vacancy occurring in said body; and may appoint all necessary officers, and may require and take good bond to discharge such duties as may be required of them.

§ 5. That no teacher shall be employed by the trustees of said college, unless he or she shall have a first-class certificate from some board of examiners of common school teachers in this State.

Teachers.

§ 6. That the common school of Frenchburg district No. 1 shall be taught in said college, subject to the regulations of said trustees and the common school laws of the State of Kentucky, and said board of trustees shall be entitled to receive the common school fund to which said district may be entitled: *Provided*, That each white child in said district within the common school age shall, free of charge, have the privilege of attending and being taught in said college at least five months in each scholastic year.

§ 7. That said corporation is hereby vested with power to grant diplomas in conformity with the provisions of its by-laws, and said trustees shall have full power to make and enforce all necessary by-laws, rules and regulations, not inconsistent with the laws of this Commonwealth for the government and regulation of said college.

Diplomas.

§ 8. The town of Frenchburg may, by its trustees, subscribe to the capital stock of said company any sum they deem right, not exceeding the sum of five thousand dollars, and may issue the bonds of said town, payable at any time within thirty years after date, with such rate of interest as the trustees of said town may think best, not exceeding six per cent. per annum, in payment of said subscription; or said town, by its trustees and by proper orders, may, as an endowment fund, agree to pay said college any sum per annum they may think proper and right, and upon such term as may to them appear equitable and just: *Provided, however*, That said town shall, in no event, subscribe, on any condition, any sum to said college until a majority of the legal voters of said town have filed with the said trustees of said town a written petition asking such subscription.

Subscription.

§ 9. Said corporation shall have power to issue and sell, *May issue bonds.* bonds for the purpose of buying necessary land or building, and erecting any necessary buildings deemed necessary to meet the wants of said college: *Provided*, That at no time shall the amount of said bonds exceed one half of the capital stock subscribed: *And provided further*, That said bonds shall not run for a longer period than thirty years, and the interest thereon shall not exceed six per cent. per annum.

§ 10. That the private property of the stockholders of said college shall not be liable for the debts of said college.

§ 11. This act shall take effect from its passage.

Approved March 23, 1882.

#### CHAPTER 546.

AN ACT for the benefit of the Salt Well and Irvinsville, and the Helena, Beaver Creek and Salt Well Turnpike Road Companies, in Nicholas county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that the completion of the Salt Well and Irvinsville, and the Helena, Beaver Creek and Salt Well Turnpike Roads (a distance of about eight miles), in Nicholas county, Kentucky, will be of great practical benefit to the entire western portion of said county, and that the additional appropriation from the Nicholas county court of three hundred dollars per mile will insure the early completion of said road; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the judge of the Nicholas county court be, and he is hereby, authorized and directed to appropriate and subscribe to the capital stock of the Salt Well and Irvinsville, and the Helena, Beaver Creek and Salt Well Turnpike Road Companies, in Nicholas county, Kentucky, the sum of three hundred dollars per mile in addition to the amount he is now authorized to subscribe to the capital stock of turnpike roads by law; said subscription to be made upon the same conditions and provisions as he is now authorized to subscribe money to the capital stock in turnpike roads in said county.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1882.



## CHAPTER 547.

AN ACT to authorize the county courts of Metcalfe and Monroe counties to borrow money for the benefit of the poor of said counties, and to provide for the payment thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county courts of Metcalfe and Monroe counties are authorized and empowered to borrow any amount of money, not to exceed twenty-five hundred dollars each, to buy provisions for the destitute poor persons in said counties, and the same to be distributed under the order of said courts, and issue the obligation or obligations of said counties for the sum or sums so borrowed, to be signed by the county judge, and countersigned by the county court clerk of said counties, said sum or sums to be borrowed on such time as may be fixed by the county courts, not to exceed two years. Issue bonds.

§ 2. In order to raise the fund to pay said obligations, said county courts are authorized to levy an ad valorem tax on the taxable property of their respective counties, to be collected as the State revenue is now collected. Levy

§ 3 It shall be the duty of the county judge of said counties to call the county courts together for the purpose of considering the propriety of borrowing and appropriating said money.

§ 4. This act shall take effect from and after its passage.

Approved March 23, 1882.

## CHAPTER 548.

AN ACT to prohibit the selling, vending, or giving of any spirituous, vinous, or malt liquors in the town of Arlington, in Ballard county, or within two miles thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall not be lawful for any person or persons to either directly or indirectly sell, vend, or give any spirituous, vinous, or malt liquors, or a mixture thereof, within the corporate limits of the town of Arlington, in Ballard county, or within two miles thereof. Boundary.

§ 2. For any violation of this act the person or persons so offending shall be fined not less than twenty-five nor more Fine.

than fifty dollars for each offense, to be recovered by warrant issued by the police judge of said town or a justice of the peace of said county. Such warrant shall be issued in the name of the Commonwealth, and full power is hereby given to any such officer to try any violation of this act that may occur within said corporate limits or within two miles thereof, and the same proceeding shall be had upon a judgment rendered as hereinbefore provided for, as if rendered by a circuit or criminal court for a similar offense.

§ 3. If the police judge or marshal of said town, or a magistrate or constable of said county, having knowledge or information of a violation of the first and second sections of this act, shall willfully neglect or fail to execute the duties required of them respectively, they shall, upon indictment of a grand jury and conviction in the circuit court, be fined not less than fifty nor more than one hundred dollars, or imprisoned in the county jail not less than thirty days nor more than three months for each offense, or both so fined and imprisoned at the discretion of the jury.

§ 4. The provisions of this act shall not apply to wine to be used only for sacramental purposes.

§ 5. All fines collected under this act, except such as may be collected from officers failing to perform the duties prescribed in this act, shall be paid into the treasury of said town.

§ 6. This act shall take effect from and after its passage.

Approved March 23, 1882.

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#### CHAPTER 549.

AN ACT to incorporate the Ironwood Lumber and Mining Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That David C. Vance, C. B. Simrall, J. Webb, James E. Cantrill, and George A. Hill be, and they are hereby, created a body politic and corporate, under the name and style of the Ironwood Mining and Lumber Company; and under that name shall have perpetual succession, for the purpose of mining coal, iron, or other minerals, for cutting and running logs, and for carrying on a general lumber and mill business on the waters of the Cumberland river above the falls there-

of, and on the tributaries of the same; and as such corporation shall have power to erect furnaces, open mines, build and run one or more saw-mills, and cut and run logs or other lumber in said river and its tributaries above the falls thereof, and to purchase, own, and hold all the lands which said company shall deem necessary to carry on its operations successfully.

§ 2 The officers of said company shall consist of five directors, one of whom shall be president, and such other officers as said board of directors shall designate; and said company is hereby given the right and power to sue and be sued, to contract and be contracted with, to convey or mortgage its lands or other property; have a common seal, make by-laws, and do such other things as may be necessary to carry into full effect the provisions of this act.

§ 3. Said company shall have the right to build a tramway or railroad from their mines, furnaces, or mills to any other railroad, or to said river or tributaries; and in case said company cannot agree with the owner or owners of the lands for the right of way for such tramway or railroad; the same may be condemned in the manner prescribed by the General Assembly in the act incorporating the trustees of the Cincinnati Southern Railway: *Provided*, That when it shall build a tramway or railway as herein provided, said company shall be deemed a common carrier, and shall transport freights for the citizens of this Commonwealth at the rates which may be fixed by general law.

§ 4. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each and said company may issue bonds to the amount of its capital stock, bearing legal interest, but payable semi-annually; and the payment of said bonds and interest thereon may be secured by mortgage on the lands or other property of the company. The capital stock may be increased if the business of the company should necessitate that the same should be done. The private property of the stockholders of said company shall be exempt from liability for the debts of the company.

§ 5. Said company shall have the right to construct and maintain a boom for the purpose of catching and securing their saw-logs at or near the point where said company shall erect its mill or mills on said river or its tributaries above

the falls thereof; but said company shall not detain any log or logs belonging to another in its boom without the request of the owner, nor shall any charge be made therefor except by agreement with the owner of the logs: *And provided further*, That no boom erected by this company shall impede or hinder the navigation of said river or any of its tributaries, and said boom shall not obstruct the bank or lands of private persons that said company does not own, or are in possession of by contract with the owner thereof.

§ 6. Said act shall be in force from its passage.

Approved March 23, 1882.

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#### CHAPTER 550.

AN ACT to incorporate the Young Men's Christian Association of the city of Owensboro.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That B. Bransford, T. S. Anderson, J. D. Kennedy, F. T. Gunther, E. G. Buckner, W. E. Parrish, Robert Brodie, J. M. Carson, and their associates, are hereby associated under the name of the Young Men's Christian Association of the city of Owensboro, with full powers to organize said association with such officers as they deem proper and necessary for carrying on the business of said association.

§ 2. That said association may sue and be sued in the name of the Young Men's Christian Association of the city of Owensboro.

§ 3. That said association may buy and hold real estate in their incorporated name for the uses of said association, and may make sale, if it becomes necessary, in said incorporated name.

§ 4. That the trustees, F. T. Gunther, Robert Brodie, and W. E. Parrish, shall compose the board for twelve months, or until a new board shall be elected by the association.

§ 5. That each member of the association shall be entitled to a vote in the election of trustees or officers of the association, under such rules and by-laws as the association may determine.

§ 6. That no indebtedness shall be incurred unless by the consent of a majority of the trustees elected and chosen by:

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the association, and that the management and business of the association shall be under the direction of said trustees, unless otherwise determined by the by laws of the association.

§ 7. That said association may determine, by their by-laws, who shall be empowered to buy or loan property for the uses of the association, or bind the association in contracts.

§ 8. That the property held by said association shall not be subject to taxation of State, county, or city when held and used for the necessary purposes of said association.

§ 9. This act shall take effect from its passage.

Approved March 24, 1882.

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## CHAPTER 551.

### AN ACT to incorporate the Standard Brass Works.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Joseph Kinsey, E. V. Cherry, Oliver Kinsey, S. J. Broadwell, and Charles Anderson, and such others as they may associate with themselves, their successors and assigns, are hereby created a body-corporate and politic, with right of perpetual succession, under the name and style of the Standard Brass Works; and by that name may sue and be sued, plead and be impleaded, and may in said corporate name contract and be contracted with, purchase, acquire, hold, and sell property, real, personal, and mixed, to the extent and for the purposes hereinafter mentioned, with the right to keep a common seal, and alter and change the same at pleasure.

§ 2. The authorized capital stock of said company shall be three hundred thousand dollars, divided into shares of one hundred dollars each. The incorporators shall, at such time and place as they may deem proper, open books for subscription to the capital stock of said company, and when one hundred shares thereof shall have been subscribed paid up, the company may organize and commence business.

§ 3. The business of said company shall be the manufacturing and dealing in all kinds of brass and iron goods for railway, telegraph, telephone, electric light, hard-ware, and general purposes, and of all and every kind of wood-work connected therewith; the manufacturing of railroad iron, locomotives, and railway cars; and the said company may, for

the purpose of carrying on the business aforesaid, purchase, hold, sell, and convey all necessary real estate, including beds of coal and iron ore, and all necessary personal property, with the right to erect and operate such machinery, mills, tramways as may be necessary for the efficient prosecution and carrying on of said business.

§ 4. The affairs of said company shall be under the control and management of a board of directors, consisting of seven stockholders, one of whom shall be chosen president of said board by said board. The number of directors may be decreased to five or increased to nine, by a vote of the stockholders at any meeting called for the election of directors. Said board of directors shall be elected by the stockholders at such time as may be agreed upon at a meeting of the stockholders called for that purpose. Each share of stock shall be entitled to one vote. After the first election, the directors shall be elected annually at such times as the by-laws of the company may fix. The directors so elected shall hold their office for one year, and until their successors are elected and qualified.

§ 5. The said board of directors shall have the power to make, alter, and amend the by-laws for the government of said company; but nothing in this act shall be in conflict with the laws and Constitution of the Commonwealth of Kentucky or the Constitution of the United States. They shall have the power to fix and determine the number of officers, agents, and employes of said company, and to appoint and employ the same; to fix the salaries and wages of all officers, agents, and employes, and pay the same, and to make and prescribe such rules and regulations for the governing and transacting of the business as they may deem for the best interest of said company. They may take from any or all officers, employes, or agents bonds with security, conditioned for the faithful performance and discharge of their respective duties, and to account for all money or property of the company which may come into their hands.

§ 6. The stock of said company shall be deemed personal property, and shall be transferable only on the books of said company. Any stockholder wishing to retire from said company may do so by a sale and transfer of his stock as hereinbefore provided; but no such stockholder shall have a right to

demand or obtain a division of the property of said company. The company shall have and retain a lien upon the share or shares of any stockholder for any indebtedness of such stockholder to said company until such indebtedness is fully satisfied and discharged; and no sale or transfer of any stock by such stockholder shall avoid or vacate such lien of said company until such indebtedness to said company is fully paid and discharged. The private or individual property of the stockholders, including the original incorporators, shall not be liable for the debts or liabilities of said corporation.

§ 7. The said company shall have the power to borrow money or create indebtedness to an amount not exceeding its authorized capital stock, for the purpose of carrying on its business, and may, through its board of directors, issue bonds, or execute its promissory notes or bills of exchange therefor, payable at such times and places as may be determined upon by its board of directors, and mortgage its property as security for the same.

§ 8. The principal office of said corporation shall be at Ludlow, Kentucky; but said company may establish agencies and open offices for the transaction of its business at such other place or places, either within or without the State of Kentucky, as its board of directors may from time to time determine upon.

§ 9. This act shall take effect from and after its passage.

Approved March 24, 1882.

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CHAPTER 552.

AN ACT to incorporate the Citizens' Gas and Electric Light Company of Owensboro, Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Andrew Castlen, B. Bransford, R. Monarch, Samuel Drabelle, A. C. Thompkins, H. B. Phillips, George W. Jolly, and their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, under the corporate name of the Citizens' Gas and Electric Light Company of Owensboro, Kentucky; and by that name and style shall have perpetual succession, and be capable in law

to sue and be sued, contract and be contracted with, the same as natural persons; and to have, possess, enjoy, and retain such lands, tenements, hereditaments, goods and effects, as may be necessary and convenient for the construction and operation of gas-works, or electric light works, or both, in and near the present and future limits of the city of Owensboro, Kentucky, and the successful prosecution of the business of the said company; and to mortgage its works, together with its lands, machinery, pipes, outfit, properties, rights, liberties, privileges, and franchises, and all the toll, income, rents, issues, and profits held and thereafter to be acquired by it; and to ordain and put in execution all such by-laws, rules and regulations, as shall seem proper to it for its government and for carrying out the objects of its existence, provided they be not contrary to the Constitution and laws of this State and of the United States; and to have and use a common seal, and alter and renew the same at pleasure

§ 2. The business of said company shall be, in and near the city of Owensboro, to manufacture and sell gas or electric light, or both, and to deal in all materials used or produced by said company in the manufacture of gas or electric light, or both, and to do such plumbing and gas-fitting as is necessary for supplying light to its consumers; and the said company may supply gas or electric light, or both, to said city of Owensboro and to the county of Daviess, and the inhabitants of the said city and of the said county, for public and private purposes, upon such terms as the said company and its consumers may agree, and to use the streets, alleys, and other public places within the present and future limits of the said city, by permission of the city council thereof, and the public ways of the said county, for the purpose of laying, taking up and repairing pipes, conduits, posts, and other apparatus for the supply of gas or electric light, or both; but there shall be no continued obstruction of the said streets, alleys, and public places and ways, and they shall be restored by said company after their use to their former condition; and power is hereby conferred upon the city of Owensboro to contract with said company for public lighting in the said city, and to pay therefor.

§ 3. That the capital stock of said company shall be one hundred thousand dollars, divided into one thousand shares



of one hundred dollars each, but may be increased by said company, as it may deem best for the purposes of this act, to a sum not exceeding two hundred and fifty thousand; and the said company may begin its actual business so soon as fifteen thousand dollars of its capital stock shall have been subscribed.

§ 4. That the affairs of the said company shall be conducted by a board of directors of seven stockholders, who shall be elected on the first Monday in February in each and every year during the existence of said company for the term of one year, and until their successors are elected, which board shall elect out of its number for its own term a president and a vice president; and which board shall have power to appoint a secretary and treasurer, and all such other officers and agents, and upon such terms and with such authority as it may deem best. The incorporators of the said company shall be the board of directors until the first election.

§ 5. That if any person shall injure any of the posts of the said company, or injure any pipe, fixture, machinery, or other apparatus or property of the said company, or let on or turn off or use any gas or light or power supplied by the said company without authority from the said company, every such person, and his, her, and their aiders and abettors, shall, on conviction thereof before any competent authority having jurisdiction, be fined in a sum not less than three dollars nor exceeding fifty dollars for each and every such offense, together with the costs of prosecution, and shall be liable beside to the said company for all damages; and it shall be the duty of the city marshal and police of the city of Owensboro diligently to enforce this law within the limits of said city.

§ 6. That this act shall take effect from its passage.

Approved March 24, 1882.

## CHAPTER 555.

AN ACT to amend an act, entitled "An act authorizing the Commissioners of the Sinking Fund of the city of Louisville to secure the payment of eight hundred and fifty city of Louisville coupon bonds by accepting in pledge from the Louisville and Nashville Railroad Company, a sufficient number of United States bonds to meet the same, principal and interest, at maturity," approved February 1st, 1882.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

1. That section one of an act, entitled "An act authoriz-

ing the commissioners of the sinking fund of the city of Louisville to secure the payment of eight hundred and fifty city of Louisville coupon bonds, by accepting in pledge from the Louisville and Nashville Railroad Company a sufficient number of United States bonds to meet the same, principal and interest, at maturity," approved February 1st, 1882, be, and the same is, so amended as to authorize the commissioners of said sinking fund to accept in pledge and as security for the payment of interest and principal of the said eight hundred and fifty city of Louisville coupon bonds a deposit of a sufficient number of United States bonds, city of Louisville bonds, or such other bonds as will, in the judgment of said commissioners, fully meet the interest and discharge the principal of said bonds at or before their maturity; and upon such deposit being made, or upon the payment of said eight hundred and fifty coupon bonds, interest, and principal aforesaid, the stock issued by the said Louisville and Nashville Railroad Company on account of the issue of said eight hundred and fifty bonds aforesaid, shall be surrendered to the Louisville and Nashville Railroad company.

§ 2. This act shall take effect from its passage.

Approved March 24, 1882.

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#### CHAPTER 556.

AN ACT to amend an act, entitled "An act to authorize the county court of Hart to borrow money to relieve the poor of said county," approved February 23, 1882.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to authorize the county court of Hart to borrow money to relieve the poor of said county," approved February 23d, 1882, be so amended that it shall be the duty of the judge of the Hart county court to appoint one discreet person, whose duty it shall be to see that none but those who are really needy shall be entitled to the benefits of this act, which shall be evidenced by two disinterested neighbors of the party so applying for aid and supplies under the provisions of this act. Said individual appointed by the judge of said county court shall not be a

civil officer nor a candidate for election to any office of said county for the year 1882.

§ 2. It shall be the duty of said court to designate one or two places in said county where said provision purchased under this act shall be distributed, and said distribution shall be upon such day in the week as may be directed by said judge of said county court, but not more than three days in any one week shall be set apart for such distribution at any one place, and notice in writing shall be given in each voting precinct of the county at least ten days before each distribution, and said supplies so purchased for the relief of the citizens of said county shall be safely deposited at or near one or two of the railroad depots of the county, and shall be purchased at wholesale prices by some competent person appointed by said judge of said county court.

§ 3. Said person appointed shall be allowed a fair compensation for his services in purchasing and distributing supplies, which shall be agreed upon between said appointee and said judge of the county court of Hart, and which shall be in writing and made a matter of record in said court.

§ 4. It shall be the duty of said appointee to keep a book, upon which shall be entered the amount distributed, and to whom, which shall be open at all times to the Hart county court, or any other interested parties of said county, for inspection.

§ 5. Said appointee shall give bond to the said court for the faithful disbursement of said provisions in such sum as may be deemed sufficient by said judge of the Hart county court.

§ 6. Said supplies shall not be considered as a donation to the parties applying for same, but shall be considered as a loan, which may be paid off at any time within two years from date of receiving same, by paying interest and principal from date at the rate of six per cent. per annum; and said parties receiving said supplies shall execute their notes to the Hart county court for such such sums as they may receive, to pay said sum two years thereafter, with interest at the rate of six per cent. per annum from date until paid; and said notes shall be collectable and distrainable as taxes, but shall not be collectable by process until October 1st, 1884.

§ 7. The county court shall decide after said notes fall due who are delinquents, and shall so enter upon the records of said court.

§ 8. The provisions and benefits of this act may not only apply to parties who are wholly indigent, but may apply to such parties as cannot obtain the necessary provisions to enable them to make a crop for the year 1882.

§ 9. This act shall be in force from its passage.

Approved March 24, 1882.

# CHAPTER 557.

AN ACT to amend an act, entitled "An act to incorporate the Richmond Gas-light Company," approved February 9, 1874.

WHEREAS, Some doubt has arisen as to the authority of the Richmond Gas-light Company to borrow money to operate and carry on the business of said company, and to bind the corporate property for the payment of money so borrowed; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be lawful for the directors of the Richmond Gas-light Company, whenever there is duly entered upon the book of said company an order to that effect, to borrow from individuals or corporations any money necessary to operate and carry on the business of said company, not exceeding an amount equal to one half of the paid-up capital stock of said company; and the note of said company, signed by the president thereof, shall be evidence of any such debt, and the property of the corporation be liable for the payment of same.

§ 2. The board of directors of the Richmond Gas-light Company shall have power, by an order entered upon the book of said company, to authorize the president of the company to mortgage any part or all of the property of said company to secure the payment of any note or notes now owing by said company, or that may hereafter be created by said company under the first section of this act; and when any such mortgage is signed and acknowledged by the president of said company as all mortgages are required by law to be signed and acknowledged, the same shall be lawful and binding upon the property included in such mortgage.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1882.

## CHAPTER 558.

AN ACT to incorporate the Oakland Cemetery Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That B. C. Gosney, W. C. Hopkins, H. M. Aulick, Arthur Byrd, and Albert Hopkins, their successors and associates, be, and they are hereby, constituted a body-corporate, under the name and style of Oakland Cemetery Company; and by that name they shall have power to contract and be contracted with, sue and be sued; use a common seal; make all necessary by-laws, rules and regulations, for its government, not inconsistent with law and the provisions hereof, and do such other things as are incident to such a corporation, and necessary to effect the object and purpose thereof, which is to provide a suitable place for the burial of the dead, at or near Grant's Lick, Campbell county, Kentucky.

§ 2. Said corporation shall have the power to take, acquire, and hold, by purchase, gift, or devise, for the purpose aforesaid, any quantity of land at or near Grant's Lick, and in Campbell county, not exceeding (30) thirty acres, and receive a conveyance of the same in its corporate name, which land when so conveyed shall be held by said corporation for a cemetery, and shall never be alienated or used by said corporation for any other purpose; and said land and its appurtenances shall be free and exempt forever from all taxation, and from executions, attachments, and other legal process, and from any charge, liability, or assignment to or for any public purpose, inconsistent with its use as a cemetery, to which use it is hereby forever dedicated.

§ 3. Said corporation shall cause a plat or plan to be made of the land so acquired, dividing said land into avenues, walks, and burial lots, and designating said avenues by name, and said burial lots by number. After said land is thus laid off, the corporation shall have power to sell said burial lots in such manner and on such terms as may be prescribed by the board of directors of said corporation.

§ 4. Each owner of a lot in said cemetery, upon a production of a receipt in full for the price of the lot purchased by him from one or more of the directors of said corporation, shall be entitled to a conveyance of said lot, which convey-

ance shall be made by a certificate of the board, and countersigned by the acting secretary of the corporation, specifying that such purchaser is the owner of said lot or lots, which certificate shall be recorded on the books of said company, and such certificate shall invest the fee-simple right and title in and to such lot or lots in the purchaser, his heirs or assigns, forever, free and exempt from all assessments, taxations, executions, or other legal process, and shall have the same legal purpose or effect the same as deeds duly executed, delivered, and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations of the corporation and its board of directors; and said lots shall never be used by the purchaser for any other purpose than for the burial of the dead, and if applied to any other purpose, the right and title shall be reverted to the corporation.

§ 5. Each person receiving a certificate as aforesaid for one or more lots, shall become, and be considered thereafter, a member of this corporation, and he or she shall have a vote in all meetings of the corporation.

§ 6. The affairs and business of the corporation shall be managed by a board of five directors, all of whom shall be lot-owners in said cemetery. The board of directors shall be elected annually by the members of the corporation, and shall hold office for one year, and until their successors are elected and qualified. They may choose a president out of their number. They may appoint a secretary and treasurer, who shall give such bond as may be required for the faithful performance of his duties. All vacancies shall be filled by appointment made by the president.

§ 7. The board of directors shall have control of all the business transactions of the corporation; shall collect and expend all money; shall have complete control of the cemetery grounds, and to prescribe rules for inclosing, adorning, and erecting monuments or vaults upon the cemetery grounds, and shall have the power to prohibit any use, division, or adornment of a lot which they may deem improper, or may abate or alter the same. At the regular meeting of the corporation, which shall be called annually by the board of directors upon such day as they may deem proper, the said board of directors shall report their acts and the conditions of the same.

§ 8. The persons hereinbefore mentioned shall constitute the first board of directors of the corporation.

§ 9. If any person shall willfully and without lawful authority violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or cut, break, or injure any tree, shrub, or plant, or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and besides being liable to the owner of the lot, or the corporation, for the damage or the injury done, he shall be fined not less than ten nor more than twenty dollars for each offense, upon conviction in any court having jurisdiction thereof. Power is hereby given or conferred upon each of the directors having charge of this corporation, and upon the superintendent appointed to take charge of said cemetery, to arrest, without warrant, and take before the proper officer and tribunal, to be dealt with according to law; also any person or persons allowing their horse, cow, hog, sheep, goat, or any other domestic animal or fowl, to run on or injure said grounds, or any of the monuments, tombstones, tree, shrub, or plant, or any thing thereon, shall be subject, for each offense, to arrest, and fined not less than three nor over five dollars, and shall pay for the damage done, said damage to be assessed by the board of directors of said corporation.

§ 10. This act shall take effect from its passage.

Approved March 24, 1882.

## CHAPTER 559.

AN ACT to incorporate the town of Robards, in Henderson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Robards Station, Henderson county, Kentucky, be, and it is hereby, incorporated as a town, to be called and known as Robards; and that the boundaries thereof shall be run so as to embrace within its limits the following property, to-wit: Beginning at a black oak six inches in diameter standing on the west side of the Knob Lick Road, near the house of Moses Castin, a freedman; thence south  $66\frac{1}{2}$  degrees west (passing the middle of the Louisville, Nashville and Great Southern Railroad at 70 poles and 3 links) 136 poles to a black oak, four inches in diameter, standing north  $66\frac{1}{2}$  Style.  
Boundary..

degrees east 10 links from the line of J. D. Robards and Wm. Eblen; thence north  $23\frac{1}{2}$  degrees west (passing the line of Robards and Eblen at 1 pole and 2 links), in all 40 poles and 9 links, to a stake in Wm. Eblen's field; thence south  $66\frac{1}{2}$  degrees west 28 poles to a stake in Felix Eakin's field and near a cabin; thence north  $23\frac{1}{2}$  degrees west (passing the line of Felix Eakin's and A. B. Duncan's at 13 poles), in all 45 poles and 15 links to a stake 15 feet from the line of A. B. Duncan and J. W. Otey, and in the north line of the Morgan-field road; thence through the land of J. W. Otey north  $8\frac{3}{4}$  degrees west 93 poles and 20 links to a stake on the north side of a fence; thence with said fence due east 74 poles and 16 links to a stake in the middle of the Louisville, Nashville and Great Southern Railroad 19 feet and 2 inches from a stake on the west side of the said railroad; thence with the middle of said railroad south 24 degrees east 30 poles and  $22\frac{1}{2}$  links to a stake in the line of the most northerly street of Robards' Station, and corner to the land of James Triplett,  $18\frac{3}{4}$  feet from a stake on the east side of said railroad; thence north  $66\frac{1}{2}$  degrees east (passing a stake corner to the lands of James Triplett and S. H. Toy), at in all 71 poles and 10 links to a stake in S. H. Toy's field; thence south  $23\frac{1}{2}$  degrees east 116 poles to the beginning, which courses and distances aforesaid are the boundaries and lines of the town of Robards, and all the territory inclusive shall constitute said town, together with such streets and squares as are now run and laid off, as by the plat and field notes of R. S. Eastin, county surveyor, which plat and field notes it may be lawful to record in any deed-book of the Henderson county court clerk's office upon paying to the clerk thereof the usual fee for similar work in recording a map or plat and accompanying report.

Trustees.

§ 2. That all the financial and municipal affairs of said town shall be vested in five trustees, who shall be elected every two years; and no person shall be eligible to the office of trustee except a resident of said town. Said trustees shall hold their offices until their successors are elected and qualified. They shall have power to fill vacancies in their own body occurring by reason of death, removal, or resignation. A majority of said trustees shall constitute a quorum for the transaction of business.



§ 3. On the first Saturday in May, 1882, and every two years thereafter, there shall be an election held in said town for the election of five trustees, a police judge, and a town marshal. Ten days' notice of such elections shall be given by the clerk or chairman of the board of trustees, by written or printed posters. Election.

§ 4. Said trustees shall be a body-corporate, with all the general powers conferred by the laws of this Commonwealth upon corporate bodies of the like character for the maintenance of law and good order in said town; may have and use a common seal, and may alter same not exceeding one time to each two years' term of office. They shall be known by the name and style of the board of trustees of Robards; and as such may sue and be sued, may contract for and hold property, money, and not exceeding in the aggregate fifty acres of land convenient to Robards for public purposes. Powers.

§ 5. Until an election is had for town officers as herein provided, Tolbert Kelley, Absalom Duncan, Edward Curry, Joseph Eblen, and S. H. Toy are constituted as trustees of said town, and shall so continue until the election of trustees and their qualification on the said first Saturday in May, 1882; and if this charter be not granted in time for the ten days' notice of election in 1882, then said persons may hold their offices until the election of successors on the first Saturday in May, 1884. In all cases officers of said town, when chosen by town election, shall, on the following Monday, qualify, except the police judge, who shall qualify as soon as may be convenient after receiving his commission of office from the Governor. The officers in all cases herein may qualify by taking the oath of office before any justice of the peace of Henderson county, or the judge thereof. Trustees.

§ 6. The said trustees, including those persons named as trustees in section five, after being sworn to discharge the duties of their office, shall elect one of their number chairman, to preside over their deliberations, who shall be known as chairman of the board of trustees of the town of Robards, and as such shall have a vote only in case of a tie in the remaining trustees. Said board may also elect one of their number as clerk, who shall, in a well-bound book, keep recorded the minutes of the board, and it shall be at all times open for public inspection in his custody and presence; copies of said minutes and proceedings of the board, under the hand Chairman. Clerk.

of said clerk or of the chairman of the trustees, when there is no clerk, shall be received as record evidence in courts.

## ARTICLE II.

Police judge—  
jurisdiction.

§ 1. The police judge shall have exclusive jurisdiction of violations of the by-laws and ordinances of said town, and concurrent jurisdiction with justices of the peace of all criminal and penal causes; and shall sit as a court of examination with concurrent jurisdiction of two (2) justices in felony cases within the limits of said town. All warrants issued by him as police judge shall be directed to the marshal, sheriff, jailer, or to any constable of Henderson county, who shall execute the same. Before entering upon the duties of his office said police judge shall be sworn to honestly and faithfully perform the duties of his office, in addition to the oaths required by law.

§ 2. Said court shall have exclusive jurisdiction in all cases where the trustees shall proceed to condemn land or materials for the opening, extending, or widening streets, alleys, or other property for public use, and shall have power to award the writ of *ad quod damnum*, and adjudicate upon the same.

§ 3. Said court shall always be open for the trial of criminal causes, and shall have the same power to summon and empanel juries, and to adjudge fines, in the same manner and to not exceeding the same amount as is possessed by justices of the peace; and appeals shall be had from his judgments in similar manner, and to same amount, as is or may hereafter be provided by law from judgments of justices of the peace in criminal and penal causes, as to judgments in cases of writs of *ad quod damnum* in similar manner as from county courts.

§ 4. It shall be the duty of the marshal to see that the ordinances and the by-laws of said town are carried into execution; shall collect all taxes imposed by the trustees; and shall give a good and sufficient bond, annually, to be executed before and approved by the chairman of the board of trustees, for the faithful account of all moneys that may come to his hands, and for the performance of his duties of office. Said bond shall be attested by the chairman, or the clerk of the board of trustees, and shall be filed by them in the records of said town.

§ 5. Said police judge, marshal, and trustees, except the clerk of the board, shall not be allowed any salary, but they shall each receive the fees of their respective offices as now fixed and regulated by law for magistrates, constables, sheriffs, and other officers performing services similar to those required of them by this act.

§ 6. That the fines, forfeitures, and licenses recovered and paid in from all sources within said town, are granted to said town, excepting so much as goes to the Commonwealth from any license granted by her to operate within the limits of said town.

ARTICLE III.

§ 1. The board of trustees may clear the streets and alleys, sidewalks, and passways of said town of all obstructions, sink cisterns and wells thereon, abate and prevent nuisances, regulate the storage and sale of combustible, dangerous, explosive, or unwholesome material. They may enact by-laws for the prevention of the erection of unsafe chimneys, flues, and fires; may require the owners of property fronting on streets to keep the sidewalks open; continue, enlarge, and alter streets and alleys, and lay off squares, improve sidewalks, and grade streets whenever public necessity may require and as the growth of the town may demand. Shall grant licenses, fix the rates thereof, and regulate the sale of intoxicating liquors of all kinds, and shall require a license of not less than fifty dollars for a coffee-house keeper or other person licensed to retail spirituous and intoxicating liquors, and of merchants to sell such like liquors not less than twenty-five dollars; and they may by ordinance prescribe fines and penalties for the selling in any manner such spirituous liquors without the prescribed license. And generally they may provide by by-law or ordinances all such things as are necessary for the good government, peace, health, and comfort of said town and its citizens.

§ 2. In laying off squares and opening streets and alleys, if the consent of the owners of the land cannot be first obtained, the trustees may, after ten days' notice to the owners thereof or their agent, proceed to condemn same, and assess the value thereof before the police court of said town according to the general law now or then existing and in force.

§ 3. In case of a vacancy at any time in the office of police judge, the chairman of the board of trustees may, for the

Vacancy.

time being, act as such judge, with all the incidents and powers of said judge. Should there be a vacancy in the office of town marshal, one may be elected by the board of trustees to act until the vacancy has been filled by a regular election.

Taxes.

§ 4. The board of trustees shall have power to levy and collect taxes as follows: An ad valorem tax upon the property in said town liable to taxation for State revenue of not exceeding one cent to each dollar's worth of property in value: *Provided*, That upon land within the limits of said town used for farming purposes, and not laid off into streets and squares, the tax assessment thereon shall not exceed the rate of tax provided for herein, and upon an assessed valuation not greater than the value of other like farm lands in the county.

§ 5. The trustees of said town, for a true taxation, may cause the property of said town liable for taxation to be assessed by some one other than the town marshal, to be appointed by them, and to be listed as of January 10th of each year.

#### ARTICLE IV.

Graded school.

§ 1. The corporation of Robards is hereby authorized to establish, support, and maintain graded common schools, in which may be taught all the children of said town between the ages prescribed by the common school laws of this Commonwealth now or hereafter to be in force; and to secure this end, it is hereby enacted that the one-fourth portion of all the net revenue received by said corporation from taxes, fines, licenses, and all other sources, be, and the same is hereby, dedicated and set apart to be used in the aid of said schools in said town: *Provided*, That there shall be no mixture of white and negro children, nor shall the property of the one class, or of either, be taxed for the education of the other.

§ 2. That said graded common schools may be conducted and taught in conjunction with the common school districts in which Robards Station is included; or, if the trustees of Robards so elect and prefer it, the town of Robards shall be deemed one district, and entitled to its proportion of the State common school fund.

§ 3. The board of trustees of Robards may, once every year, or oftener in case of a vacancy, appoint one of their number

to act as trustee of any graded common school established as herein, and he may act as such during and for the year he may have been appointed.

## ARTICLE V.

§ 1. All persons residing in the town of Robards, as also all persons owning real estate situated in such town, and who are legal voters at county and State elections, shall be qualified voters at all municipal elections held in and for the town of Robards. Voters.

§ 2. All process in cases in which the police judge has exclusive jurisdiction shall be issued in the name of the town of Robards. Process.

§ 3. The marshal shall have the same power to levy upon and sell property for town taxes, and for the payment of fines and penalties under the by-laws and ordinances of Robards, that the sheriff has for the payment of State and county taxes, and in the enforcement of executions and writs for fines and penalties. He may make sale in front of the post-office in Robards upon ten days' notice of time and terms. Marshal.

§ 4. Property within the town of Robards heretofore taxed for county and State road purposes is now exempt from said tax.

§ 5. This act shall take effect from its passage.

Approved March 24, 1882.

## CHAPTER 560.

AN ACT to regulate the working and laying out public roads in Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the Clinton county court, at its May term, 1882, to divide said county into four road divisions, and appoint a commissioner for each division, to be a resident thereof; one to serve till January 1, 1883, one till January 1, 1884, one until January 1, 1885, and one until January 1, 1886. The one having the shortest term shall be chairman, clerk, and treasurer of the board of commissioners. The commissioners shall have the control of all the public roads and bridges in said county, and each commissioner shall see that the roads are kept in repair in his division. The

court of claims for said county shall each year elect a successor to the commissioner whose term expires the following January.

§ 2. That each commissioner, before entering upon the discharge of his duties, shall take an oath in the Clinton county court that he will faithfully and to the best of his ability discharge all the duties of his office, and properly account for all money or property that may come to his hands by virtue of his office, and execute a bond, with good surety, for a faithful performance of all the duties of his office, and that he will properly account for all money and property that may come to his hands.

§ 3. Said commissioners, after taking the oath of office and executing bond, shall meet, organize, and proceed to lay off the county into road districts, fix the boundary of hands that shall work in each district, select a suitable person in each district to be surveyor thereof, and divide the roads into first, second, and third class. The first class to be from twenty to thirty feet wide, the second class from fifteen to twenty feet wide, and the third class to be from ten to fifteen feet wide. They shall also number the road districts, and report their proceedings to the county court of said county. The county court shall ratify said proceedings and report, making such changes as may be deemed proper, and appoint as surveyors of the road districts the persons selected by the commissioners, or others instead thereof, if deemed best. The clerk of said court shall record the report of said commissioners, and the clerk and sheriff of said county shall proceed as now directed by law to notify the surveyors of their appointment.

§ 4. Said surveyors, upon notice of their appointment, shall enter upon a discharge of their duties and remain in office until January 1st, 1884. The court of claims for said county in 1883, and every two years thereafter, upon the recommendation of said commissioners, appoint surveyors for the road district in said county, whose term of office shall be two years, commencing the first of January following their appointment, notice to be given the surveyors as above required; and any person appointed may be fined ten dollars for refusing to serve.

§ 5. That all able-bodied persons between the age of sixteen and fifty years of age shall be assigned to work on the public roads in said county not less than three nor more than

six days in each year, to be performed at any time after three days' notice; and each day's work shall be not less than eight (8) hours' labor. Any hand may be released from work by furnishing an able-bodied substitute, paying one dollar for each day, or furnishing a team and plow, or team and wagon.

§ 6. That a road tax of five cents on each one hundred dollars' worth of property as shown by the assessor's book, shall be collected in each year, commencing in 1882. The payment thereof may be made in work at the rate of one dollar per day, or in money to the treasurer of the board of trustees on or before the first day of November each year, after which day the said treasurer shall furnish the sheriff of said county a list of those failing to pay said tax, who shall proceed to collect the same in the manner provided by law for collecting the revenue tax, together with fifteen per cent. added for the default, which per cent. shall be the sheriff's commission for collecting. The sheriff shall pay to the treasurer of the commissioner the money collected, and may return a delinquent list to the county court. The said treasurer and sheriff shall settle annually with the county court, and account for all money received by them under this act.

§ 7. That said commissioners, three constituting a quorum to transact business, shall agree upon a plan for work on the public roads and bridges, and see that the same is complied with, and the surveyors shall notify the hands in their districts and see that they perform efficient work, and see that those who pay the taxes in work perform and do faithful and efficient labor; and it shall be their duty to discharge any hand who attends and fails to perform efficient labor. The surveyors of roads shall fix days in the months of September and October each year, when persons who wish to pay their taxes in work may attend and discharge their taxes in work, but at no other time unless by request of the surveyor. The surveyors may notify the hands on the roads to attend at the same time.

§ 8. That the commissioners shall appropriate the money collected under this act, as near as can be ascertained, without a minute calculation, in the district where collected. The taxes collected in Albany shall be expended in said town on the public square, streets, and alleys: *Provided*, The board of

trustees of said town appoint a surveyor to take charge of the work in said town, and keep the streets in repair.

§ 9. The commissioners and surveyors shall each be paid one dollar per day for each day's actual service under this act, after deducting the time they are liable to work.

§ 10. That said commissioners, when necessary, if any funds on hands, may purchase necessary tools and material to be used on the roads; and the surveyors, when necessary, may purchase timber, and employ team and wagon, or team and plow, at the rate of two dollars per day. All timber and material taken for use on the public roads shall be valued, and if the consent of the owner cannot be obtained, may be taken by first paying for it or tendering pay.

§ 11. That the commissioners may take bonds for surveyors where they furnish them with money or tools, and require reports from them; and said commissioners shall report annually to the court of claims the amount of money received, and how expended, and such other matters as they deem proper.

§ 12. The county court shall be opened at any time to make necessary orders under this act; and shall, without delay, fill all vacancies in the offices of commissioner and surveyor.

§ 13. That any person desiring a change in any public road, or a new road established, shall apply to the commissioners, who shall act as viewers, and report to the county court, which shall then proceed in all other respects as provided by the general laws of this State.

§ 14 The surveyors shall keep their respective roads open the width designated in their orders; and shall keep their roads ditched on each side so as to drain them, and slope them from the center to each side, and remove all leaning or dead trees near the road, and overhanging limbs or brush; and they shall use broken rock or gravel on the roads, when the same can be conveniently obtained, if necessary to be used; and where small streams or low places are bridged, culverts shall be made.

§ 15. Any commissioner or surveyor failing to perform his duty under this act, may be indicted and tried in the circuit court, and fined not less than ten nor more than fifty dollars. Any hand who fails to perform his duty as required under this act, may be proceeded against in the name of the Commonwealth of Kentucky before a justice of the peace or county judge, and fined not less than two nor more than five



dollars. Each day's failure to attend and work shall be a separate offense. All fines collected under this act to go to the road fund.

§ 16. That each surveyor shall, without unnecessary delay, remove any timber or obstructions in the road embraced in his district, and may require the aid of any hand, and give him credit for the time; and any hand failing to do so may be fined the same as for failures to work at appointed times on notice.

§ 17. The commissioners, if any money on hands, may employ hands to work on the roads at not more than one dollar per day, unless skilled labor is required; then they may pay more.

§ 18. The commissioners shall keep a record of their proceedings, which shall be open to inspection.

§ 19. The county court may remove any commissioner for a failure to discharge his duties.

§ 20. The commissioners shall cause all the public roads leading from the county seat to be measured and mile-stones erected thereon; and see that the surveyors have sign-boards at all cross-roads and the forks of roads, plainly lettered, and giving the distance to the nearest county seat or public place.

§ 21. If a deficiency in the road fund, the court of claims shall appropriate a sufficiency out of the county levy.

§ 22. That all public laws consistent with this act shall remain in force; but all laws inconsistent with this act are hereby repealed.

§ 23. That this act shall take effect from and after its passage.

Approved March 24, 1882.

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## CHAPTER 561.

AN ACT providing for repayment of certain moneys to Caldwell county.

WHEREAS, The county clerk of Caldwell county, under a misapprehension of the law, has, at various times, from 1865 down to the present time, paid into the State Treasury certain sums of money, amounting to \$229.50, which came to his hands from the sale of vacant lands as provided in General Statutes, chapter 109, which moneys rightfully, as provided

under the above chapter of General Statutes, belong to the county for county purposes; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant for said sum of \$229.50 in favor of the county clerk of Caldwell county, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 24, 1882.

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#### CHAPTER 562.

AN ACT to amend the charter of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. Public ways, as used in this act, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thoroughfares, and shall be under the exclusive management and control of said city, with power to improve them by original construction and reconstruction thereof as may be prescribed by ordinance. Improvements, as applied to public ways, shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be prescribed, either by ordinance or contract, approved by the general council.

§ 2. When the improvement is the original construction of any street, road, lane, alley, or avenue, such improvement shall be made at the exclusive costs of the owners of lots in each fourth of a square, to be equally apportioned by the general council according to the number of square feet owned by them respectively, except that corner lots (say thirty feet front and extending back as may be prescribed by ordinance) shall pay twenty-five per cent. more than others for such improvements. Each subdivision of territory bounded on all sides by principal streets shall be deemed a square. When the territory contiguous to any public way is not defined into squares by principal streets, the ordinance providing for the improvement of such public way shall state the depth on both sides fronting said improvement to be assessed for the cost of making the same according to the number of square

feet owned by the parties respectively within the depth as set out in the ordinance. A lien shall exist for the cost of original improvement of public ways, for the reconstruction of sidewalks, and for the digging and walling of public wells and cisterns; for the apportionment and interest thereon, at the rate of six per cent. per annum, against the respective lots, and payments may be enforced upon the property bound therefor by proceedings in court; and no error in the proceedings of the general council shall exempt from payment after the work has been done as required by either the ordinance or contract; but the general council, or the courts in which suits may be pending, shall make all corrections, rules, and orders to do justice to all parties concerned, and in no event, if such improvement be made as is provided for either by ordinance or contract, shall the city be liable for such improvement without the right to enforce it against the property receiving the benefit thereof; but no ordinance for any original improvement mentioned in this act shall pass both boards of the general council at the same meeting; and at least two weeks shall elapse between the passage of any such ordinance from one board to the other.

§ 3. The cost of making sidewalks, including curbing, whether by original construction or reconstruction, shall be apportioned to the front foot as owned by the parties respectively fronting said improvement, except that each corner lot shall pay the cost of its sidewalk intersection.

§ 4. The general council may, in its discretion, upon the petition of a majority of the property owners on the part of a public way proposed to be improved, grant them permission to improve said public way, under the supervision of the city engineer, and within such time as may be fixed by the general council. When improvements in public ways have been made, or public wells or cisterns dug and walled, and the contract therefor completed, the city engineer shall, by one insertion in one of the daily newspapers published in Louisville, give notice of the time and place fixed for the inspection and reception of the work by the city engineer, or either of his assistants or deputies, and such owners, their agents and representatives, may appear and be heard before such engineer, his assistant or deputy, as to whether such improvements have been made in accordance with the ordinance authorizing the same and the contract therefor.

§ 5. In all actions to enforce liens as authorized by this act, a copy of the ordinance authorizing the improvement or work, a copy of the contract therefor, and a copy of the apportionment, each attested by the clerk of the board of councilmen, shall be proof conclusive of the due passage, approval, and publication of the ordinance, of the due execution and approval of the contract, and shall be *prima facie* evidence of every other fact necessary to be established by the plaintiff in such actions to entitle him to the relief authorized to be given in this act; and in all such actions the court shall provide in its order confirming any report of sale that the defendant, or either of them, or any one claiming through or under them, or either of them, or any creditor of theirs, or either of them, may, within two years from the date of such order confirming a report of sale, redeem the land sold by paying to the purchaser the purchase price, with interest thereon from the day of sale at the rate of ten per cent. per annum, and all the taxes and assessments on and against such land paid by such purchaser, with interest thereon at the rate of ten per cent. per annum from the date of such payments; and in the event that there be no redemption within the time allowed, the order of confirmation shall be final, and a deed shall be executed to the purchaser or his assignee.

§ 6. The clerk of the board of councilmen shall make out all apportionment warrants for which liens are given for improvements of public ways, wells, cisterns, and water-plugs, as may be required by ordinance; and within two days thereafter shall enter the same upon a register for that purpose; and when the holder of said warrant shall have obtained payment, he shall notify the clerk of the board of councilmen, and it shall be marked upon the register as paid. The clerk of the board of councilmen shall be allowed a fee of ten cents for the entry and indexing of such lien. A lien shall not be valid against a purchaser for valuable consideration without notice, unless it shall be so entered and registered within three months of the issuing of the apportionment warrant.

§ 7. This act to be in force from its passage.

Approved March 24, 1882.

## CHAPTER 564.

**AN ACT** to incorporate the Providence Male and Female Academy, in the county of Webster.

**WHEREAS**, W. S. Coleman and Shelby Hicks, of Providence, Webster county, Kentucky, are desirous of establishing a first-class school, and have made the necessary arrangements for carrying into successful operation said desire; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. S. Coleman and Shelby Hicks, their associates Incorporators. and successors (if any), be, and they are hereby, declared and created a body-corporate, by the name and style of "The Style. Providence Male and Female Academy," and they and their associates and successors, if any, shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and to break, alter, or amend the same at pleasure, or in lieu of said seal may use a scroll appended to said corporate name, and may, in said corporate name, receive and hold, sell and convey, lands, tenements, hereditaments, moneys, goods, or choses in action by gift, donation, devise, subscription, contract, or purchase heretofore made by said individuals or hereafter to be made, as they may deem necessary for the purpose indicated. Said corporation may sell, lease, or rent real estate for the purposes herein indicated.

§ 2. Said corporation shall have power to employ as many professors, teachers, and instructors as may be deemed necessary at any time for the instruction of the pupils attending said academy, in arts, sciences, and all necessary and useful branches of a thorough and liberal education, and shall have power to make such by-laws for the government of their own body, and such rules and regulations for the government and control of the pupils, as it may deem expedient, and may amend and alter the same at will.

§ 3. Said corporation shall have power to regulate the course of study, and confer upon the graduates of said school

such diplomas, honors, and degrees as evidences of scholarship as are usual in institutions and colleges of this Commonwealth.

§ 4. Said corporation shall have full and exclusive control of the school referred to in the preamble hereof, and the school property lying near the corporate limits of the town of Providence, in the county of Webster, consisting of the school building and boarding-house and the four acres of land upon which said buildings stand, and all the appurtenances.

§ 5. The sole power to manage and conduct the fiscal, educational, and other affairs of said academy shall be vested in a board of trustees consisting of two members, who shall be elected biennially by the parties named in the first section hereof, one of whom shall be president of said board and the other secretary and treasurer, and said election shall be held at such times and in such manner as said parties may prescribe; and said board may adopt such by-laws and regulations; not inconsistent with the Constitution and laws of the United States or of this State, as they may deem expedient, and alter the same at pleasure.

§ 6. This act shall take effect from its passage.

Approved March 24, 1882.

## CHAPTER 565.

AN ACT to incorporate the Union Stock-yard Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Albert A. Stoll, O. W. Thomas, Thos. P. White, George W. Crum, Joseph P. Simmons, jr., John Burnside, Richard Waters, Louis Leib, Henry G. Phillips, John W. Bell, Stephen Snodgrass, W. C. Hall, S. P. Walters, John S. Long, John M. Atherton, Charles P. Morman, H. C. Riley, G. C. Wharton, and their successors, be, and they are hereby, created a body corporate, under the name and style of the Union Stock-yard Company; and to have perpetual succession, with the right to obtain and hold as much real and personal estate as may be necessary, in their opinion, to enable them to carry on their business; and to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts in the Commonwealth of Kentucky; and said corpo-

ration may have a common seal, and change or alter or renew the same at pleasure.

§ 2. Said Union Stock-yard Company shall be under the control and direction of seven directors, each of whom shall be a stockholder in the same, and a resident of the State of Kentucky. Said directors shall be elected annually on the first Wednesday in May of each succeeding year, and shall hold office until their successors are elected and fully qualified.

§ 3. Said directors shall elect one of their number president; and they shall hold regular meetings at such times, and in such manner, as may be prescribed by the Constitution and by-laws: *Provided, however,* That their meetings may be had at any time said directors, or a majority thereof, may think necessary for the transaction of business.

§ 4. The principal business of said Union Stock-yard Company shall be the yarding, feeding, and weighing, loading, unloading, and the receiving of live stock for compensation, to be fixed, from time to time, by the board of directors thereof.

§ 5. In case of the death or resignation of any director, the vacancy shall be filled for such unexpired term by the board of directors, unless otherwise provided by the constitution and by-laws of said company.

§ 6. Said corporation may issue stock from time to time, not to exceed one million of dollars, in shares of one hundred dollars each, and immediately after the passage of this act the incorporators herein named may open books for subscription to the capital stock of said company, or organize and elect a board of directors from among the subscribers, and receive additional subscriptions for and issue as many shares of stock as in their opinion is necessary to raise sufficient funds to begin business: *Provided, however,* They shall not organize and begin such business until one hundred thousand dollars of stock shall have been subscribed and paid up.

§ 7. Said corporation, upon a vote of a majority in value of the stockholders thereof, may encumber by mortgage any or all of its real and personal estate, whenever such encumbrance shall be deemed beneficial to said corporation, and said corporation shall have full and complete power to erect or lay such railroad tracks, side-tracks, or switches, from time to time, as may be necessary to bring said stock-yard company.

in connection and contact with such railroads or common carriers as are now built or operated, or which may hereafter be built, erected, or operated in Jefferson county or the city of Louisville, Kentucky; and for that purpose may institute proceedings in the courts of Jefferson county, Kentucky, having jurisdiction, and cause real estate and other property to be condemned in the manner in which the law now directs property to be condemned by or for any railroads now passing into or through Jefferson county or Louisville, Kentucky.

§ 8. Said directors shall have power to declare dividends of the profits arising out of the business, and to appoint and elect such officers, agents, and servants as they may deem necessary to conduct the business of said stock-yard company, and pay them such wages and salaries, and take and require from them severally such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable.

§ 9. The stock shall be personal property, and shall be assignable according to such rules as the board of directors shall from time to time establish and adopt.

§ 10. When the directors are elected or chosen from among the incorporators as provided for in section sixth of this act, the terms of office of such directors shall expire on the first Wednesday in May, 1883, and the term of their successors shall expire on the first Wednesday in May of each succeeding year thereafter, or until their successors are qualified.

§ 11. Private property of the stockholders shall be exempt from the debts of said corporation.

§ 12. This act shall take effect from and after its passage.

Approved March 25, 1882.

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## CHAPTER 566.

A BILL to amend the charter of the Southern Railway News Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the articles of incorporation of the Southern Railway News Company, a corporation organized under the laws of this State, by filing articles of incorporation duly acknowledged and recorded in the office of the clerk of the county



court for the county of Jefferson, and State of Kentucky, be, and the same is hereby, amended, and the said corporation is hereby empowered and authorized to raise money, not in excess of fifty thousand dollars, by issuing and selling or pledging coupon bonds of such denominations as the corporation may agree upon, bearing interest not to exceed six per cent. per annum, payable half yearly, interest and principal payable at such time and place as may be designated; said bonds not to run more than ten years to maturity from the time of issuing the same; and for the joint and equal benefit and security of all such bonds and interest thereon, make, execute, and deliver to the trustee named therein a mortgage or deed of trust, embracing all its property, rights, and franchises, including real, mixed, and personal estate, including credits, effects, and choses in action owned at the date of said mortgage or deed of trust, or thereafter acquired, whether situated in this State or elsewhere. Said mortgage or deed of trust, and the bonds to be secured thereby, may all be executed and delivered by the secretary and treasurer (both of these offices being held by the same person) alone, under the seal of the company; and the coupons thereto, signed by the said secretary and treasurer; and when so executed, shall be obligatory on the said company: *Provided, however,* That said lien shall not be good as to creditors or purchasers for value on personal property, credits, effects, or money, except such as may be on hand, or to which said company may be entitled at the time of default, either on the interest or principal of said bonds, or on some debt for which any of said bonds are pledged; and then only in such counties in or out of this State in which said mortgage or deed of trust has been duly recorded according to law regulating the recording of mortgages. Nor shall this act go into effect until it shall have been submitted to a meeting of stockholders called for that purpose, and be ratified and accepted by a majority in interest of all the stock outstanding.

§ 2. This act to become a law from and after its passage.

Approved March 25, 1882.

## CHAPTER 567.

AN ACT to authorize the Clinton county court to levy a tax to build a bridge across Spring creek, in Clinton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Clinton county may levy and cause to be collected a tax sufficient to pay for the building of a bridge across Spring creek, in said county, at a point near where the Albany and Jamestown Turnpike Road crosses said stream: *Provided*, That the levy shall not in any one year exceed ten cents on the one hundred dollars' worth of property listed for taxation, and twenty-five cents on each tithable in said county.

§ 2. That said tax, when levied, shall be collected by the sheriff or other officer who collects the county levy for said county, at the same time, in the same manner, for the same compensation, and under the same penalties as provided by law for the collection of the county levy.

§ 3. That the sheriff or collector, before he proceeds to collect the taxes levied under this act, shall execute bond before said court, with good security, to be approved by said court, containing substantially the same conditions and stipulations as the bond now required for the collection of the county levy, varied in form so as to provide for the taxes collected under this act.

§ 4. That said court shall have power to appoint all necessary agents, commissioners, and receivers as may be necessary to make the contracts, specifications, and plans, and locate said bridge, superintend and cause the same to be built, and to have the taxes collected and applied to the payment for the building thereof.

§ 5. This act shall be in force from its passage.

Approved March 25, 1882.

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CHAPTER 568.

AN ACT to amend and revise an act, entitled "An act to incorporate Lovelaceville, in Ballard county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the town of Lovelaceville, in Ballard county, as the same is now laid out, and to the extent of the limits here-

tofore fixed by law to said town, be, and the same is hereby, incorporated with the several streets and alleys, and the lots as respectively laid out and numbered, or may hereafter be laid out upon the plat of said town.

§ 2. That S. K. Hinchey, V. S. Lovelace, J. H. Frey, C. P. Coon, W. N. Billington, and G. L. Stovall, the present board of trustees, shall remain in office until the first Monday in June, 1882, and upon which day, and upon the first Monday in June in each year thereafter, the male citizens of said town entitled to vote for Representatives to the General Assembly shall meet at such place as may be designated by the trustees of said town, and choose six fit persons by vote to serve as trustees of said town for one year, and until their successors are duly elected and qualified.

§ 3. That said trustees and their successors in office are hereby created a body politic and corporate, by the name of the chairman and board of trustees of the town of Lovelaceville, and in that name to sue and be sued, to contract and be contracted with; that they shall have power to enact ordinances, by-laws, and regulations for the government of said town, not inconsistent with the laws and Constitution of this Commonwealth.

§ 4. That they shall have power to levy an annual tax on the males over twenty-one years of age residing in the town of not exceeding one dollar upon the head, and to levy an ad valorem tax on the real estate and personal property subject to taxation for revenue purposes in the town of not exceeding twenty-five cents on the hundred dollars.

§ 5. That they shall have power to levy and collect a tax of not less than twenty-five nor over fifty dollars on any person who keeps a tavern and tippling-house in said town.

§ 6. That they shall have power to levy and collect a tax of not less than twenty-five nor over fifty dollars on any person who keeps a coffee-house in said town.

§ 7. That they shall have all powers given to trustees by the general laws, and perform all the duties required of trustees by general laws.

§ 8. That they shall appoint an assessor and collector; and the collector shall collect the tax; and for that purpose may make distress and sales as sheriffs are now by law authorized to collect the revenue of this State, except he shall not sell real estate; and said taxes and all other revenue shall be

under the management of the chairman and board, to be applied to the purposes of said town.

§ 9. That they shall have power to elect one of their body chairman, and fill vacancies in their board until the next stated election; and four shall constitute a quorum to do business.

§ 10. That on the same day that sheriffs of this Commonwealth are elected, the qualified voters of said town shall elect a marshal of said town, who shall hold his office for the same time as sheriffs. That said marshal shall have and possess all the powers of a constable, and is authorized to serve any process or perform any duty in the county of Ballard as marshal that a constable of said county could do by law; hereby giving to said marshal the powers and jurisdiction of a constable to the limits of said county. The trustees shall require said marshal to give bond, with good security, payable to the chairman and board of trustees; and said marshal shall be held responsible upon his bond for all things pertaining to his office; that suit may be brought upon said bond in the Ballard common pleas court by any person aggrieved against said marshal. That before he acts he shall take the oath required by law for a constable; and he may serve all processes issued to him by any justice of the peace of said county, and return the same before such justice, and shall be entitled to the same fees as a constable is entitled to for similar services. The bond of said marshal shall be filed in the Ballard county clerk's office, and carefully preserved by the clerk; a copy of said bond shall be preserved by the board of trustees.

§ 11. That the same time a judge for Ballard county by law is required to be elected, the qualified voters of Lovelaceville shall elect a police judge for said town, whose jurisdiction shall be the same as now fixed by law; and shall hold his office for four years, and until his successor shall be elected and qualified.

§ 12. That upon the death, resignation, or a failure to qualify of the marshal, the trustees shall fill the vacancy by appointment until the next regular election for a marshal.

§ 13. That upon the death, resignation, or a failure to qualify of the police judge, the trustees shall recommend a suitable person to the Governor that he may commission to

act as police judge until the next regular election for a police judge.

§ 14. That the trustees shall appoint two persons to act as judges, and said judges and the clerk of the board shall hold the election of officers of said town, and determine the qualifications of the voters, to declare the persons elected, and report the same to the chairman and board.

§ 15. That all officers of said town and the trustees, before entering upon the duties of their offices, shall take the constitutional oath, before an officer authorized to administer an oath, to well and truly perform the duties of their respective offices.

§ 16. That all former acts that conflict with this act are hereby repealed.

§ 17. That this act shall take effect from its passage.

Approved March 25, 1882.

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## CHAPTER 569.

AN ACT to incorporate the Grier's Creek Turnpike Company, in Woodford county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company be, and is hereby, created, under the name and style of the Grier's Creek Turnpike Road Company, which shall be a body-corporate and politic, for the purpose of constructing a turnpike or macadamized road from a point on the Versailles and Shryock's Ferry Turnpike Road, in Woodford county, at W. J. Frazier's, along or near the line of the old Scott's road to a point on the Versailles and Nicholasville Turnpike Road, in Woodford county, where the said Scott's road intersects the said last named turnpike road. Said company shall have the power to change the above route if they so desire, by order of the board of directors provided the terminal points are not materially changed. The said company shall have power to sue and be sued, plead and be impleaded, in and by its said corporate name, and shall have power to acquire and hold land for corporate purposes, and to make contracts in its corporate name, and to adopt a corporate seal, and alter or amend the same at pleasure.

§ 2. That Simeon Searce, W. J. Frazier, B. M. Heatt, R. Commissioners. W. Keene, and S. E. Booth, be, and they are hereby, appointed commissioners to solicit and receive subscriptions for stock in said company, and they shall open books for said purpose at such place or places as they may elect.

§ 3. The capital stock of said company shall not exceed Capital stock. twelve thousand five hundred dollars, and shall be divided into shares of twenty-five dollars each.

§ 4. As soon as two thousand dollars are subscribed to the capital stock of said company, the commissioners named in the second section of this act shall call a meeting of the stockholders at some convenient point for the purpose of electing officers, notice of which meeting shall be given by written or printed handbills, posted up at three or more public places on the contemplated route of said road at least ten days previous to the meeting. There shall be elected a president and four directors, who shall hold their offices until the first Monday in April, 1882, and until their successors are duly elected and qualified. The annual election of officers shall be held on the first Monday in April of each year. The board of directors shall elect or appoint a treasurer and such other officers as they may deem necessary, and shall take from them a bond with good security for the faithful performance of their duties. Said officers may be elected from the board of directors. The stockholders shall be entitled to one vote for each share of stock owned by them respectively up to and including five shares, and for all shares over and above that number one vote for each five shares so held, and shall have the right to vote in person or by written proxy.

§ 5. The said company, by its president and board of directors, shall have power to acquire or condemn all land or lands that may be necessary for right of way, toll-houses, and quarries as is now prescribed by the General Statutes of Kentucky, and all amendments thereto; and said company shall have all the rights and privileges that are now given to turn-pike road companies by the general laws of this State.

§ 6. So soon as two and one half miles of said road are completed and ready for public travel, said company shall have the right and power to erect and establish a toll-house and gate, and to collect such tolls from persons traveling over said road as are now prescribed by the general laws of Ken-

tucky, collecting for the two and one half miles only one half as much as the general law allows for five miles, and at the same rate for a greater or less distance traveled upon said road.

§ 7. The stockholders of said company shall be exempt from working on any public road in said county. Exemptions.

§ 8. That any person who subscribes to the capital stock of said company and fails to pay his or their subscription, or any part thereof, when due and when called upon by the officers of said company so to do, shall be subject to suit in any court of said county having jurisdiction, and shall pay interest thereon from the date of such call until paid.

§ 9. The president and board of directors of said company may pass or adopt such rules and regulations as they may deem proper for the best interests of the company: *Provided*, The same are not inconsistent with, or in contravention of, the general laws of this State.

§ 10. The private property of the stockholders of said company shall not be liable for the debts of said company.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 25, 1882.

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## CHAPTER 570.

AN ACT to authorize the city of Maysville to subscribe and pay for stock in the Columbus and Maysville Railroad Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the board of councilmen of the city of Maysville, a majority of the members elected concurring, shall have power and authority to subscribe, in the name and on behalf of said city, for stock in the Columbus and Maysville Railroad Company, any sum not exceeding seventy-five thousand dollars: *Provided*, That no such subscription shall be made until after the question shall be submitted to the qualified voters of said city, and a majority of all the votes cast shall be in favor of such subscription. The board of councilmen shall designate the time when said election shall be held, and make such orders in relation to public notice of the election, and all other matters in relation thereto, as shall, in

their judgment, be necessary to obtain a fair expression of the popular will upon the question. In the exercise of their own discretion the council may at any time order said election; and it shall be their duty to order it whenever the petition of one fourth of the voters of said city shall request it.

§ 2 That said subscription of stock, when made, shall be under the charter or rights granted to said railroad company by the Legislature of Kentucky to receive stock and extend their road into, and to operate the same within the city of Maysville, and shall not be payable until the road is completed into and within the city of Maysville, as stipulated and accepted by the board of councilmen; at which time the subscription is to be paid in cash, and for which the city shall receive stock in said railroad company.

§ 3. That to enable the city to pay said subscription, the board of councilmen shall have power and authority to issue the bonds of the city, at a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually, and sell the same at not less than par, the bonds to be for such amount, and to run for such length of time, as the council, in their discretion, shall determine.

§ 4. That it shall be the duty of the board of councilmen, each year, to levy and collect a tax to pay the interest on said bonds; and they may, in their discretion, levy and collect a tax sufficient to pay off the bonds and the interest within a certain number of years, not exceeding fifty cents on the one hundred dollars of taxable property in any one year. This tax shall be levied and collected at the same time and in the same way, and under the same responsibilities, as the other taxes of the city are levied and collected; and the official bonds of the treasurer and marshal and deputy marshals shall be made and taken to cover their and each of their duties under this act the same as they now cover their duties under the charter and ordinances of the city; and the city council and the said collecting officers shall have the same power of enforcing collection and payment of said taxes as they now have for enforcing the collection and payment of the other taxes of the city; and a failure by the board of councilmen to do what is required of them under this section, shall subject the members thereof to the same liabilities as are incurred under the act amending the city charter, approved February 13th, 1863.



§ 5. That the taxes thus levied and collected shall be set apart and exclusively appropriated to the purposes for which they are levied, and for no other purposes whatever.

§ 6. That the failure of the popular vote to authorize the said subscription of stock shall not prevent a subsequent submission of the question in the same manner by the city council, or with such additional conditions as they may deem proper to the subscription for stock in said company: *Provided*, That not more than two elections shall be ordered.

§ 7. That this act shall be in force from and after its passage.

Approved March 25, 1882.

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#### CHAPTER 571.

AN ACT re-districting the county of Laurel into magisterial districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county of Laurel be, and the same is hereby, re-districted into seven magisterial districts as follows: London district or precinct to remain unchanged, and to be No. 1. Raccoon precinct to remain unchanged, and to be No. 2. Bush's precinct to remain unchanged, and to be No. 3. Mc-Hayne's precinct to remain unchanged, and to be No. 4. Newcom's precinct to remain unchanged, and to be No. 5. Independence and Rock-house together to be No. 6, their boundaries to remain unchanged. Stepping Rock and Kemper's together shall constitute precinct No. 7, their boundaries to remain as they now are.

§ 2. Nothing in this act shall be so construed as to change the number of voting places in said county; but the same shall remain as now established by law.

§ 3. An election for justices of the peace and constable of each of the seven precincts formed by the first section of this act, shall be on the first Monday in August, 1882, and every four years thereafter for the election of justices of the peace, and every two years thereafter for the election of constable, as now provided by law. In districts where there are two voting places the poll-books from each shall be properly certified by the officers of the election, and forwarded to the county court clerk, to be compared, and certificates of elec-

tion be issued as now required by law. In precincts where there are but one voting place elections shall be held, and certificates of elections issued, as now required by law.

§ 4. In all elections, except the ones referred to in section three of this act, shall be held as they are now numbered.

§ 5. This act shall take effect on the first day of August, 1882.

Approved March 25, 1882.

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#### CHAPTER 572.

AN ACT to change the voting place in Bogus precinct No. 2, in Muhlenburg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the voting place in Bogus precinct No. 2, in Muhlenburg county, be changed from its present voting place to the seminary in the town of Greenville, in said precinct.

§ 2. This act to be in force from and after its passage.

Approved March 25, 1882.

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#### CHAPTER 573.

AN ACT for the benefit of M. A. Foley, sheriff of Whitley county for the year 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of \$6.65 in favor of M. A. Foley, sheriff of Whitley county for the year 1878, same being the amount of his negro delinquent list for said year, which was duly reported to and allowed by the county court of claims of Whitley county, but not certified to the Auditor before final settlement with said Foley; said sum to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1882.

CHAPTER 574.

AN ACT for the benefit of T. T. Mobley, clerk of the Elliott county court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be lawful for T. T. Mobley, clerk of the Elliott county court, to practice law in all the courts in this Commonwealth except in the Elliott county court, he being a licensed attorney at law.

§ 2. This act shall take effect from and after its passage.

Approved March 25, 1882.

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CHAPTER 575.

AN ACT to regulate the compensation of the sheriff of Owen county for the collection of revenue.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That in lieu of the compensation now provided for by law, the sheriff of Owen county shall be allowed a uniform commission of seven per cent. on all revenue from taxes levied or imposed by the court of claims of said county.

§ 2. This act shall take effect from its passage.

Approved March 25, 1882.

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CHAPTER 576.

AN ACT to authorize the Masonic Widows' and Orphans' Home and Infirmary to qualify as guardian for its inmates.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Masonic Widows' and Orphans' Home and Infirmary shall have the same rights as any individual now has to qualify as statutory guardian of any orphan inmate of said institution, when requested to do so by a vote of the board of directors, or a quorum of said board, and no commission shall be charged by said corporation for such services.

§ 2. This act shall take effect from and after its passage.

Approved March 25, 1882.

## CHAPTER 577.

AN ACT giving the sheriff of Warren county further time in which to execute his bonds for the collection of the revenue for 1882.

WHEREAS, The sheriff of Warren county failed, by mistake, to execute his bonds for the collection of the State dues and revenue, and the bond for the collection of the county revenue for the year 1882, within the time required by law; for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sheriff of Warren county be, and he is hereby, authorized and empowered to execute anew his bonds for the collection of the State dues and revenue, and his bond for the collection of county revenue for the year 1882, at any time on or before May 1st, 1882. Said bonds shall be executed in the same manner as such bonds are required by law to be executed, and when so executed, shall be as valid and binding, and all the acts of said sheriff shall be as lawful, as though said bonds had been executed within the time prescribed by law.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1882.

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CHAPTER 579.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors within one mile of Pleasant Grove Church, Hopkins county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person or persons to sell spirituous, vinous, or malt liquors, in any quantities, within one mile of Pleasant Grove Church (being a house of worship of the Methodist Episcopal Church, South), in Hopkins county, Kentucky.

§ 2. Any person or persons violating the provisions of this act shall be subject to a fine of not less than ten nor more than fifty dollars for each offense. Said fine shall be recovered in any court having competent jurisdiction.

§ 3. This act shall take effect from its passage.

Approved March 25, 1882.

CHAPTER 580.

AN ACT for the benefit of A. T. Hobbs, of Ballard county.

WHEREAS, It is represented that A. T. Hobbs was appointed police judge of Arlington, Ballard county, and was duly commissioned by the Governor as such; and whereas, through a mistake, he failed to qualify as required by law within the time required by law, and exercised the duties of the position before such qualification; now, for remedy,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all the acts of the said A. T. Hobbs, done and performed in pursuance of his said appointment as police judge of Arlington, Ballard county, be, and the same are hereby, legalized and made as valid as though the said A. T. Hobbs had been duly qualified within the time and in the manner required by law.

§ 2. This act shall take effect from and after its passage.

Approved March 25, 1882.

CHAPTER 581.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors in magisterial district No. 5, in Scott county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person or persons to sell, loan, exchange, or give away any spirituous, vinous, or malt liquors, or any mixture thereof, in quantities less than one barrel, in magisterial district No. 5, in Scott county.

§ 2 That if any person or persons shall violate the provision of this act, such person or persons shall, upon conviction thereof before any court of competent jurisdiction, shall, for each offense, be fined in any sum not exceeding one hundred dollars nor less than twenty dollars.

§ 3. The provisions of this act shall not operate against any person now selling liquors under a license until the expiration of said license.

§ 4. This act shall not take effect unless it be ratified by the voters of said district at the next regular election, at which time it shall be submitted to the legal voters of said

district; and if a majority of the votes then cast be in favor of said act, then it shall be in full force and effect.

Approved March 25, 1882.

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CHAPTER 582.

AN ACT to amend the charter of the town of New Castle, and to reduce into one the amendments thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary.

§ 1. That the corporate limits of the town of New Castle shall be a square, described by lines drawn north and south east and west, each line to be forty-two hundred feet long, and at right-angles with lines drawn from a central point, to be the intersection of Main and main Cross street; the point of contact with each line in the corporate limits to be equally distant, or twenty-one hundred feet from said center of Main and main Cross street.

§ 2. All the provisions of article six of the charter of the town of New Castle shall apply to all persons and all property, real, personal, and mixed, in the corporate limits as herein described.

§ 3. The provisions of the charter in relation to the election of a marshal for said town are hereby repealed; and it shall be the duty of the board of trustees of said town, within five days after they have been elected and qualified, to appoint a marshal for said town, who shall hold his office at the pleasure of the board of trustees; and the trustees shall have the right to fill, by appointment, any vacancy that may occur in either of said offices.

Vacancy.

§ 4. The board of trustees shall have the right to fill, by appointment, until the next general election in said town, any vacancy that may occur by the death, resignation, or removal of any person elected by the people to office in said town.

§ 5. All of section two, article seven, of the charter of the town of New Castle, after the word "provided," is hereby repealed.

§ 6. All acts or parts of acts in conflict with this are repealed.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 25, 1882.

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CHAPTER 583.

AN AOT for the benefit of colored school district No. 10, Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the trustees of colored school district No. 10, Adair county, are authorized and empowered to use for school purposes a building located within one half mile of a school-house erected for white children.

§ 2 This act shall take effect from and after its passage

Approved March 25, 1882.

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CHAPTER 584.

A BILL to incorporate the Excelsior Electric-light Heating and Motive-power Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That T. B. Wood, Jas. S. Lisle, Denis Mulligan, S. G. Sharp, James F. Robinson, jr., C. F. Simonds, and James A. Grinstead, and their associates and successors and assigns, shall be, and are hereby, created a body-politic and corporate, by the name of the Excelsior Electric-light Heating and Motive-power Company, with power and in that name to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and defend, in all courts and places whatsoever as a natural person; and to have and use a common seal, and to change and renew or alter the same at pleasure; and to ordain and put in execution such by-laws, rules and regulations, for the government of its affairs as it may deem expedient and proper; but the same may be altered or amended, at any regular or called meeting, by a majority vote of the paid-up stock, after a motion to that end shall have been entered, at any regular or called meeting held not less than thirty days before: *Provided, however,* That such by-laws, rules and regulations, shall not be inconsistent with the Constitution and laws of this State or of the United States.

Capital stock. § 2. That the capital stock of said company shall be fixed by the corporation aforesaid, but shall not exceed one hundred and fifty thousand dollars, divided into shares of one hundred dollars each. When the sum of five thousand dollars is subscribed and paid up, said company shall have authority to organize and commence business. The shares of said stock shall be personal property, and transferable on the books of the company according to the by-laws, but the company shall hold a lien upon the shares of any stockholder who may be indebted to it; and such shares shall not be transferable without the consent of the president and directors, until such debt shall have been paid or discharged. Each share shall entitle the holder to one vote, in person or by written proxy, in all elections of officers, and at all meetings of said company for any purpose.

Bonds. § 3. That said company shall have the right, through its directors, to take from its officers or agents bonds for the faithful discharge of duty, and for the safety and security of its funds and property.

Officers. § 4. There shall be elected at each annual meeting of the stockholders a president, vice president, and treasurer and five directors; and this number of directors may, by a vote as herein above provided, be increased to nine, who shall hold their office for one year, and until their successors are elected, a majority of whom shall constitute a quorum for the transaction of business. Vacancies that may occur in the term of any director or other officer may be filled by the board. The annual election after the first one, which may take place at any time after organization, shall be held at the office of the company in the city of Lexington on the second Monday in January of each year. At all meetings of the directory they shall vote in person and not by proxy.

Purposes. § 5. That the business of said company is limited to furnishing and supplying the city of Lexington and its inhabitants and persons and corporations located near to said city with light and motive power generated by electricity, steam, or other artificial means, or to the furnishing and supplying either said light, power or heat, and may charge therefor such price and compensation as may be agreed upon between said company and the individuals or corporations contracting with it; and in aid of its object it may acquire and hold such real estate as may be necessary for the location of its works,



and the carrying into effect the purposes of its organization; and the body hereby incorporated shall have the exclusive privilege of conducting the business above described within and adjacent to said city for the term of twenty-five years; but a non-user of the privileges of this act of incorporation for five years shall work a forfeiture.

§ 6. Said company, after having first obtained permission from the city council, and had entered upon the book of said council an order to that effect, shall have the privilege to lay its pipes and mains, to erect its poles, posts, and wires through and along any street or highway in the city aforesaid or adjacent thereto, as it may deem fit, provided it in no way permanently obstructs the use of the same to the public or to any individual; and it is hereby required to replace and put in repair any street or highway through which its line of pipe, wire, &c., may pass; but it is allowed to temporarily obstruct, for a reasonable time, in laying its line and repairing the same.

§ 7. The private property of stockholders shall not be liable for debts of the corporation.

§ 8. This act shall take effect from its passage.

Approved March 25, 1882.

## CHAPTER 585.

AN ACT to establish Marvin College, at or near the town of Clinton, Hickman county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an institution of learning be, and the same is hereby, established at or near the town of Clinton, in the county of Hickman, Kentucky, to be known by the name and style of Marvin College, and to be under the exclusive control of the Methodist Episcopal Church, South. Style.

§ 2. That Rev. R. L. West, Rev. E. H. Stewart, C. M. Vaughan, P. A. Dulin, C. T. Bowers, J. R. Graham, T. W. Askley, W. I. Rudd, J. E. Bowers, John R. Kemp, J. C. Evans, D. M. Hilliard, and Geo. W. Griffey are hereby appointed a board of trustees and body-politic, and as such shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, and Incorporators..

as such may purchase, hold, and receive, by gift, grant, or devise, any real or personal property, money, or choses in action, and dispose of the same by sale or other lawful means for the benefit of said college.

§ 3. Said board of trustees may purchase lands, not to exceed fifty acres, for said college site, lay out grounds, and have erected all necessary buildings for said purposes, and shall have full control over the buildings and property of said institution.

Chairman.  
Quorum.

§ 4. Said board may appoint one of its members chairman, and a majority of said trustees shall constitute a quorum to do business; and when a vacancy in said board may occur from any cause, it shall be the duty of those remaining in office, or the survivor of them, to fill such vacancy or vacancies within ten days thereafter. Said board may appoint a secretary and treasurer; may require bond, with security, from the treasurer, payable to themselves, for the faithful discharge of such duties as may be required of him by said board in receiving or disbursing any money or thing belonging to said institution.

§ 5. Said board shall keep a record of all their proceedings of each meeting, to be recorded, read, and approved by the chairman, and attested by the secretary, which record shall be legal evidence in all of the courts of this State. Said board may, at any time, for good cause shown, remove the treasurer or secretary, and put another or others in his or their stead; may make provisions for their salaries, the purchase of stationery, books, etc., necessary to carry out the objects of this section.

Powers.

§ 6. Said board of trustees shall have power to appoint a president of said college, and employ such professors as they may from time to time deem necessary, and make such provisions for the pay of said president and professors as they may think proper; and by and with the advice of said president and a majority of the professors of the faculty confer all literary and other degrees conferred by other and similar institutions.

§ 7. All offices created by this act shall be filled by members of the Methodist Episcopal Church, South; and before entering upon their duties, shall take an oath faithfully to discharge their several duties, which oath shall be noted upon the records of said board. The board of trustees appointed

By this act shall, before they enter upon their duties as such, take an oath faithfully to discharge their duties; and said trustees shall hold their office as such until death, resignation, or removal out of the county, subject, however, to be removed by a majority of said trustees for a violation of the rules or by-laws adopted by said board.

§ 8. It shall be the duty of every trustee, secretary, treasurer, or other officer of said institution, to surrender to their successors any books, papers, money, or other property of any kind belonging to said college, within ten days after they go out of office.

§ 9. Said board of trustees are hereby empowered to make all necessary rules and regulations, and pass such by-laws as they may think necessary for the government and successful operation of said institution, not inconsistent with the laws of the United States or this State; may make all necessary regulations for erecting and keeping in repair the necessary buildings and fencing, and laying out and decorating the grounds of said institution; but all appropriations for paying the current expenses of said institution, or expenditure of money for any purpose connected with said institution, must be entered upon their records; a copy of same, certified by the secretary, and indorsed by the chairman of said board, shall authorize the treasurer to pay off the same: *Provided*, That in no case shall the treasurer pay out money or do any other act as such only upon the order of the board of trustees, passed, signed, copied, and certified as provided in this act; which copies shall be his only legal vouchers in a settlement of his accounts with said board: *Provided further*, That no deed conveying real estate belonging to said corporation shall pass title until it is signed and acknowledged by all of the members of said board of trustees.

Rules and regulations.

§ 10. All male white members of the Methodist Episcopal Church, South, over the age of twenty-one years, who shall have resided in Hickman county one year last past, shall be eligible to hold the office of trustee, secretary, or treasurer of said institution.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 25, 1882

## CHAPTER 586.

AN ACT to incorporate the Portland and New Albany Ferry Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporators.  
Style.      § 1. That James F. Irvin, Wm. A. Duckwall, and Moses Irwin, their successors and associates, are hereby created a body corporate forever, by the name of "Portland and New Albany Ferry Company," with power to sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; contract and be contracted with, purchase, hold, or sell all such property, real and personal, as may be necessary or convenient to enable such corporation to carry on the business of ferrying freight and passengers, vehicles, and other things over the Ohio river; and generally to do and perform all such acts as an individual might do and perform in the premises.

Capital stock.      § 2. The capital stock of said company shall consist of two thousand shares of stock of the par value of one hundred dollars each.

Directors.      § 3. The business of said corporation shall be controlled by three directors, to be chosen annually, and by a president, to be elected by them.

§ 4. The corporators above named shall act as directors of said company until their successors are elected as herein provided, and as such shall have all the power granted herein to the directors.

Officers.      § 5. There shall be elected by the directors a secretary, and such other officers as their by-laws may direct, who shall hold their offices respectively until their successors are elected and qualified.

§ 6. The manner, term, and place of holding elections, and giving notice thereof, of subscribing, paying, and transferring stock, of compensating officers, and generally of conducting and managing the business and corporate affairs of said corporation, shall be regulated by the by-laws to be adopted by the directors, who are hereby authorized to enact and repeal such by-laws at pleasure; and the same while in force shall have the same force and effect as if enacted herein: *Provided*, They are not inconsistent with the Constitution and laws of this State.

§ 7. Said corporation may purchase from any individuals, companies, or associations any ferry-boats, wharves, approaches, and ferry franchises of any ferry or ferries between New Albany and Portland, together with all the real and personal property belonging to the same; and upon the purchase of all such existing franchises shall have the right to carry on and conduct a ferry or ferries between said cities; and in the operation of the same shall have all the protection accorded to established ferries under section No. 19, chapter 42, of the General Statutes of this Commonwealth, as if the same had been inserted herein.

§ 8. Said corporation may accept such boats, franchises, wharves, and other property in payment of stock subscribed, and at such prices as may be agreed on.

§ 9. This corporation shall have the power to issue coupon Bonds, bearing interest at the rate of six per cent. per annum, payable semi-annually, to mature at such time or times, and place or places, as may be designated in the bond, not in excess of one hundred thousand dollars; and to secure the payment of the same, with the interest as aforesaid, they may execute one or more mortgages, to one or more trustees, on all its franchises and privileges, and all of its estate and property, real, personal, and mixed, upon such terms, conditions, and stipulations as may be covenanted therein.

§ 10. This corporation shall have the power to consolidate with any other corporation or association created or existing under the laws of this Commonwealth or of any other State; and may sell or lease its powers, franchises, and privileges, and all of its corporate property, of any character whatever, to any other corporation or association created and existing under the laws of this Commonwealth or of any other State.

§ 11. This act shall take effect on and after its passage.

Approved March 29, 1882.

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## CHAPTER 587.

AN ACT to amend the charter of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. No action for damages of any character whatever, to either person or property, shall be instituted or maintained.

against said city, unless such action be commenced within six months after the accrual of the cause of action; nor shall any action for the recovery of money paid to said city in discharge of taxes claimed by said city to be due and owing to it, be instituted or maintained against said city, unless the same be commenced within three years after the accrual of the cause of action. Said city shall, in every instance, deduct and withhold from the amount of its obligations to any person owing or liable to it for taxes, the amount of such taxes, and surrender to such person the canceled tax-bill therefor, which, to the amount thereof and interest thereon, if any, shall be a discharge of its obligation to such person.

§ 2. The attested copies of the official proceedings of any officer, board, or tribunal of said city, and the attested copies of all the records of said city, all to be attested by the proper custodians thereof, shall be evidence in all courts of this Commonwealth, and the attested copies of the record of all the letters required by the charter of said city to be written, addressed, and mailed in the post-office in said city, postage prepaid, shall be evidence that such letters and each of them were written, addressed, and mailed in the post-office in said city, postage prepaid, in all respects as required by the charter of said city.

§ 3. In all actions now pending, or hereafter instituted against said city, to recover the possession of either lands or improvements purchased by said city, or to recover of said city damages, because of the sale of either land or improvements for taxes heretofore or hereafter adjudged not to have been legally assessed and levied by said city, if such land or improvements were legally liable to have been assessed by said city for such taxes, and if such taxes were otherwise not paid them by such purchase or sale, it shall be the duty of the assessor of said city to re-assess such lands or improvements at their fair cash value on the tenth day of January in each of the years in which the taxes so adjudged not to have been legally assessed and levied were claimed by said city to have been assessed and levied, and said assessor shall make out the tax-bills on the re-assessments herein directed to be made according to the provisions of the ordinances of said city levying taxes for the corresponding year or years, and the taxes each and all of them for which bills are by this section directed to be made out, are hereby levied

on the lands and improvements re-assessed therefor, and such tax-bills shall bear interest at the rate of six per cent. per annum from the first day of July in the year for which made out, and shall be secured by a first prior and superior lien on and against the lands or improvements re-assessed therefor, and shall be available to said city as a defense to or in any such actions. But before making any such re-assessment as is directed in this section, the assessor of said city shall mail, postage prepaid, in the post-office in said city, a letter addressed to the person to be charged therewith or affected thereby, informing him of the time when such lands or improvements will be re-assessed, and shall make and preserve a copy of such letter.

§ 4. It shall be competent for said city to institute or maintain an action for injury or damage done to any of the public ways in said city, and, in addition thereto, the person so injuring or damaging any such public way shall be liable to a fine of not less than fifty nor more than one hundred dollars, and, on conviction thereof in the city court of said city, shall be confined in the work-house of said city until such fine and the cost shall be paid by work at the rate of fifty cents per day, unless such fine and costs be replevied or otherwise paid; and all such fines, as well as the fines for all other misdemeanors committed in the city of Louisville, shall, when collected, be paid into the treasury of said city, and be subject to appropriation by the general council of said city.

§ 5. Whereas, defects existed in the assessment and levy of taxes by said city in each of the years 1876, 1877, 1878, 1879, 1880, and 1881; and whereas, a large proportion of the persons owning lands or improvements on which taxes were levied in each of said years have paid such taxes in full; and whereas, others owning lands or improvements in said city, and on which taxes were levied by said city in each of said years, have failed to pay such taxes, or have paid them for only some of said years; and whereas, there were lands and improvements in said city liable to be, but which was omitted to be, in said years, or in some of them, assessed for taxation by said city; and whereas, it was at all times doubtful whether the payment of such unpaid taxes could have been legally coerced, or such omitted property legally assessed; now, that the principles of an equal and just taxation may be preserved, it is made the duty of the assessor of said city to re-assess all

the lands or improvements, the taxes on which, as assessed and levied by said city in each or either of the years named in this section, have not been paid in full and in current money to said city; and it is made the duty of said assessor to assess all the lands or improvements in said city, and which were legally liable to be, but which were omitted to be, assessed in either of the years named in this section for taxation by said city. The assessments as herein directed of lands or improvements heretofore omitted to be assessed shall be assessed at their fair cash value on the 10th day of January in the year or years in which omitted; and the reassessments herein directed of land or improvements shall be made at their fair cash value on the 10th day of January in the year or years in which the taxes as assessed and levied thereon by said city in either of the years named in this section, remain unpaid, in whole or in part. Any person whose lands or improvements are assessed or re-assessed under the authority of this section, or the third section hereof, may, at any time before he pays the taxes levied in pursuance of such assessment or re-assessment, and believing that such assessment or re-assessment as made is in excess of the fair cash value of such lands or improvements on the date at which assessed or re-assessed, may file with a board of commissioners, composed of the Auditor of said city, the treasurer of said city, and the chairman of the committee on assessments in each board of the general council, his complaint, which shall specify the particulars wherein such excessive assessment or re-assessment occurs, and which board shall investigate every such complaint, and either reduce or approve the assessment or re-assessment, as the case may be, according to the facts and the actual justice in each case. Said board shall be in continuous session, and either three members shall constitute a quorum for the transaction of business. Said assessor shall make out the tax-bills on the assessments and reassessments required to be made out by him under the authority of this section, according to the provisions of the ordinance of said city levying taxes for the corresponding year or years, and respectively and severally entitled "An ordinance concerning taxes;" and each, all, and every one of the taxes for which, by this section, tax-bills are required to be made out by the said assessor, are hereby levied, and said tax-bills shall be due when made out, and shall be secured by a first



prior and superior lien on and against the lands or improvements assessed or re-assessed therefor, and shall cease to be collectable within five years from the approval of this act, unless within the meantime an action be instituted to enforce the payment thereof, and no mistake or error in or omission of the name of either the owner or possessor of either lands or improvements shall in any manner or to any extent impair or avoid any assessment or re-assessment thereof under the authority of this section, if such lands or improvements so assessed or re-assessed be otherwise sufficiently described; and any error or defect in the description may by said assessor be corrected at any time: *Provided*, That nothing contained in this section shall be construed to impair the right of the city of Louisville to proceed with any and all suits heretofore instituted to collect any unpaid taxes for any year prior to the passage of this act. The right to so proceed is hereby expressly granted.

§ 6. The tax-bills directed by the fifth section hereof to be made out by the assessor of said city, shall be by him listed for collection with the back-tax collector of said city, who, if such bills be not promptly paid, shall cause actions to be instituted thereon in the Louisville chancery court to coerce the payment thereof, and cause such actions to be prosecuted to a final judgment according to the rules and practice of said court, except that the petition in all such cases shall be as follows: Louisville chancery court. City of Louisville, plaintiff, vs. —————, defendants. The plaintiff states that the defendants are the owners of the following described (land, improvements, or personal property, as the case may be, describing it), situate in the city of Louisville, in the State of Kentucky, the taxes assessed and levied on which for the years (here name them) have not been paid to this plaintiff, and the tax bills for which are herewith filed. The plaintiff prays judgment for the amount of said tax-bills, the enforcement of the lien given by statute, the sale of said property, its costs, and for general relief. —————, attorney. No purchase heretofore made by the city of Louisville of either lands, improvements, or personal property, at sales thereof made by the receiver of city taxes, shall be held or construed as a payment of the taxes, to coerce the payment of which any such purchase was made, and such purchases shall be regarded as never having been made. When such

actions are instituted to recover taxes levied in pursuance of an assessment or re-assessment of personal property, said city may, without bond or affidavit, have a general attachment, similar to that provided for in chapter three, title eight, of the Code of Practice in civil cases, and upon recovering judgment for the amount of such taxes so levied in pursuance of any assessment or re-assessment of personal property, may have a writ of execution as in an action at law. No action authorized under this section shall be abated or defeated by the reduction of the amount of any assessment or re-assessment by the board of commissioners as provided for in this act; but such reduction shall be suggested in the answer, and thereupon the court shall require the said city to file new tax-bills conforming to such reduction, and such action shall thereafter proceed as if originally instituted on such corrected tax-bills: *Provided*, That no answer suggesting such reduction shall be filed; and if filed, shall be stricken from the record, unless a copy of such reduction, attested by said board of commissioners, be attached to and made a part of such answer. No defense shall be allowed to any action instituted under the authority of this section, except that the lands, improvements, or personal property assessed or re-assessed for such taxes were not liable to be assessed on or as of the dates at which so assessed or re-assessed, or that the taxes sued for have been paid in whole or in part; and in all cases when payments have been made of less than the whole tax sued for, the court shall allow credit for the amount of such partial payments, and render judgment for the residue; and in all and every action instituted by the city of Louisville to recover payment of taxes, the affirmative allegations of the answer shall be treated and held as controverted.

§ 7. Said back-tax collector shall keep a register of all, each, and every tax-bill listed with him for collection under authority of the sixth section hereof, and he shall make semi-weekly payments of each, every, and all taxes collected or received by him.

§ 8. All actions now pending in the Louisville chancery court for the recovery of taxes by said city, or for the execution of deeds to or possession of lands or improvements purchased by said city at sales thereof made by the receiver of city taxes, shall, by appropriate amendments, be made to con-

form to the proceedings authorized by section sixth hereof; and said city may, in such actions, by amendment, seek and recover for any taxes levied in pursuance of any assessment or re-assessment made under authority of the fifth section hereof; and in all such actions the tax-bills shall be evidence of every fact necessary to entitle the said city to recover in any such action, or in any action for the recovery of taxes.

§ 9. In order that no actual injustice may be done, the mayor of said city, the city attorney, and the chairman of the finance committee of each board of the general council, shall have the power to settle, adjust, and discharge any tax levied under the fifth section hereof, on such terms as may to them appear right and just. Such board shall keep a record of all its acts, which shall show, in case of reduction, the reason therefor.

§ 10. All moneys collected or received from the taxes levied in pursuance of any assessment or re-assessment made under the authority of this act subsequent to January 1st, A. D. 1879, shall be paid into the treasury of said city, and shall be subject to any appropriation that may be made thereof by the general council of said city.

§ 11 The salary of the chief of police of said city shall be three thousand dollars a year, and shall be paid in monthly installments, and shall commence from, on, and after the 1st day of January, in the year 1882.

§ 12. This act shall take effect as to section 11 from and on the 1st day of January, 1882, and as to all the other sections from and after their approval.

Approved March 29, 1882.

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#### CHAPTER 588.

AN ACT to change the corporate limits of the town of Versailles, in Woodford county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the corporate limits of the town of Versailles, in Woodford county, Kentucky, be, and the same are hereby, so changed and altered as to reach and extend only over that portion of Woodford county embraced in the following boundaries, to wit: beginning at a stone on the Frankfort, Lexington and Versailles Turnpike, on the east side of said town, Boundary.

840 yards from the center of the square in said town on which the court-house and Odd Fellows' Hall are situated, and known as the public square; thence with a circular curve of radius 840 yards to a stone on the said Frankfort, Lexington and Versailles Turnpike, on the north side of the town, 840 yards from the center of said public square; thence with a circular curve of radius 898 yards to a stone on the Versailles and Anderson Turnpike, 781.6 yards from the center of said square; thence with the same curve to a stone on the Versailles and Shryock's Ferry pike, 789.2 yards from the center of said square; thence in a straight line to a stone on the Versailles and McCown's Ferry pike, 1,000 yards from the center of said square; thence in a circular curve of radius 1,000 yards to a stone on the Versailles and Nicholasville Turnpike, 1,000 yards from the center of said square; thence in a circular curve of radius — yards to the beginning.

§ 2. That the act of this Assembly, entitled "An act to extend the limits of the town of Versailles, in Woodford county, Kentucky," approved April 13th, 1880, be, and the same is hereby, repealed.

§ 3. That all acts of the General Assembly now in force, and all laws of this State which concern or are applicable to the town of Versailles, and all powers, rights, franchises, and privileges heretofore granted to said town, shall apply be in force, and have the same effect as if passed, enacted, and granted specially with reference to said town, with corporate limits as fixed by this act.

§ 4. That property not embraced on January 10, 1882, within the limits of said town as fixed by this act, shall not be taxed for municipal purposes for the year 1882.

§ 5. This act shall take effect from its passage.

Approved March 29, 1882.

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## CHAPTER 589.

AN ACT to amend an act, entitled "An act to charter the American Short-Horn Record Association," approved January 15th, 1880, and the act amendatory thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to charter the American

Short-Horn Record Association," approved January 15th, 1880, be, and the same is, amended as follows, viz.: The Association is authorized to reduce the shares of stock to the sum of \$25 each. The capital stock may be increased to \$50,000 at the discretion of the stockholders. The Association is authorized to purchase any other rights or privileges either by sale, gift, or consolidation that may be necessary to secure the publication of a national herd-book. They are hereby authorized to change or alter the name of said Association.

Authority to reduce value of shares of stock.  
Capital stock increased.

Change or alter name.

§ 2. Appeals allowed owners of cattle in the act to amend the charter of the American Short-Horn Record Association, approved January —, 1882, is hereby amended so as to allow any member of the committee selected by the board of directors to pass upon the pedigrees entered in their herd-book the right to appeal to the board of directors, either on the admission or rejection thereof; but the decision of the board of directors shall be final.

Appeals.

§ 3. This act shall take effect from its passage.

Approved March 29, 1882.

## CHAPTER 590.

AN ACT to authorize the board of trustees of the town of Versailles to buy fire-engine, construct cisterns, and issue bonds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the board of trustees of the town of Versailles be, and they are hereby, granted and vested with power and authority, for and in the name of said town, to purchase a steam fire engine and all hose, ladders, and apparatus necessary, and property to be used in connection therewith, and to build and construct such cisterns, wells, and reservoirs as they may deem expedient to furnish and supply water for the prevention and extinguishment of fires.

§ 2. That to defray the expense and pay the liability to be incurred in buying said engine, hose, ladders, and apparatus, and in building and constructing said cisterns, wells, and reservoirs, the said board of trustees may issue and sell, in pursuance of orders by them made in regular meeting assem-

bled, the bonds of said town to an amount not exceeding ten thousand dollars, which bonds shall bear interest not exceeding the rate of six per cent. per annum, payable semi-annually, and shall be issued for such amounts and mature at such times as may be determined by said board of trustees, and shall be signed for and in the name of the town of Versailles by the chairman of the board of trustees.

§ 3. And that, in case of the issue and sale of such bonds, or any part of them, the said board of trustees may, for the purpose of paying the interest and principal of said bonds as the same become due, levy, in addition to the tax which they are now authorized to levy, an ad valorem tax upon the property in said town, not exceeding twenty-five cents per annum on each one hundred dollars' worth of taxable property therein, for so long a time as such taxes may be required to pay and liquidate the said bonds and interest, as said tax shall be collected, in the same manner that other tax is directed to be collected in said town.

§ 4. That nothing contained in this act shall restrict or prohibit the said board of trustees from appropriating and applying other revenues of said town to the payment of said bonds and interest.

Approved March 29, 1882.

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#### CHAPTER 591.

AN ACT for the benefit of Stanford Male and Female Seminary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustees of Stanford Male and Female Seminary be, and they are hereby, empowered to sell and convey as much of the lot on which said seminary is located, including the dwelling-house thereon, as a majority of said board of trustees may deem most expedient, and for the best interests of said institution.

§ 2. That said trustees be, and are hereby, empowered to invest the proceeds of the sale of said dwelling-house and lot in such property and in such manner as a majority of the board may deem best and most expedient. Said proceeds may be invested in whole or in part in rebuilding or adding to or remodeling the present seminary building in such

manner as a majority of the said board of trustees, in their judgment, may determine.

§ 3. This act to take effect from its passage.

Approved March 29, 1882.

CHAPTER 592.

AN ACT to incorporate the Craitown and Elizaville Turnpike Road Company, in Fleming county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a body-politic and corporate is hereby constituted Style. for the purpose of constructing and operating a turnpike road on McAdams' plan, from a point on the Flemingsburg and Upper Blue Lick Turnpike Road, at or near the Crain school-house, and from thence, by the most convenient and practicable route, to be selected by the directors of said company, to a point on the Flemingsburg and Elizaville Turnpike Road between the residence of Wm. H. Darnall and that of Mrs. H. C. Sonsley; said corporation to be known as the Craitown and Elizaville Turnpike Road Company; and by that name it shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, and to [do] all things necessary to carry out and make effective the provisions of this charter. Said company may have and use a common seal, and may alter the same at pleasure.

§ 2. The capital stock of said company shall not exceed Capital stock. ten thousand dollars, and said capital stock shall be divided into shares of fifty dollars each; and each subscriber to the capital stock of said company shall be entitled to a number of shares which fifty dollars bears to the amount subscribed by him, and each share shall entitle the holder to a vote in all meetings of the stockholders, and one vote for each share such stockholder may hold in the election of the officers of said company, and for all other purposes.

§ 3. That James P. Drennan, James Newcomb, William Commissioners. Hurst, Jesse Hurst, and A. G. Slicer, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock in said road, at such times and places as any three of them may deem expedient; and as soon as three thousand dollars of stock is subscribed, they shall proceed to

organize said company by holding an election for the purpose of electing a president and five directors of same; and before holding said election, they shall give ten days' notice of the time and place of holding it. A majority of said president and directors, and their successors in office, shall be competent to perform all acts and things authorized by this act to be done by the president and directors of said company; and the management of the fiscal and prudential affairs of said company shall be confided to the president and directors of said company and their successors in office; and said election shall be held annually at such times and places as the president and directors in office shall, from time to time direct, and said president and directors shall continue in office until their successors are elected and qualified.

§ 4. That no person shall be eligible as president or director who shall not, at the time of their election, be the owner of at least one share of stock in his own right, and any president or director, while in office, shall cease to be the owner of that amount of stock shall forfeit their right to act as such president or director, as the case may be, of said company, and said board shall have the power to fill any vacancy that may occur in the same.

Officers.

§ 5. The president and directors of said company shall have the power of appointing a treasurer, gate-keeper, and all other officers or agents necessary to carry out the purposes of this act, and to remove them at pleasure. They shall have the power, in their discretion, to require of the treasurer and all the officers or agents a bond and security for faithful performance of the duties incumbent on them as such.

§ 6. The commissioners hereby appointed shall procure a well-bound book, or such books as are necessary for the purpose, and the subscribers to the capital stock of said company shall enter into the obligation in said book or books, to-wit: We, whose names are hereunto subscribed, do promise to pay to the president and directors of the Craintown and Elizaville Turnpike Road Company the sum of fifty dollars for each share, and in the same proportion for every fraction of a share of stock set opposite to each of our respective names, in such manner and proportion, and at such times as shall be required by the president and directors of said company. Witness our hands, &c.



§ 7. That said road shall be opened at least thirty feet wide; the width of the grade and elevation shall be left to the discretion and judgment of the president and directors; the metal on said road shall be not less than twelve nor more than eighteen feet wide, in the discretion of said board of directors, and at least ten inches thick.

§ 8. The president and directors of said company, at any time after one mile of said road is built, may erect a toll-gate at any point on said road, and may, when said road is completed, erect such other gates and make such arrangements for the collection of tolls as they may, in their judgment, deem necessary; and they may receive and collect toll for the amount of road traveled at the same rate as specified in the general turnpike laws of this State.

§ 9. The said president and directors shall have power to condemn land for rock-quarries, and for sites for toll-gates, and in doing so, shall be governed by the general laws of the State relative to that subject.

§ 10. The president and directors shall severally take an oath faithfully to discharge the duties of their respective positions to the best of their ability before entering upon the discharge of their duties. Said president and directors shall keep a record of their proceedings in a well-bound book, and the same shall be open to inspection by the stockholders in said road at all times. Said president and board of directors shall issue certificates of stock for the number of paid-up shares of any stockholders in said road, which shall be signed by the president and countersigned by the treasurer, who, by virtue of his office, shall be secretary of said company; said certificate of stock shall be transferable upon books of records of said company.

§ 11. This act shall take effect from its passage.

Approved March 29, 1882.

## CHAPTER 593.

AN ACT to establish a road district in the county of Christian, and to provide for improving and maintaining public roads therein.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all of the territory embraced within the county of Christian, excepting that part of it outside of the Hop-

kinsville civil or magisterial district, which lies between the Buttermilk and Butter roads, and excepting also that part of the Scates' mill civil or magisterial district (No. 9), lying west of the Buttermilk road, and north of the Bainbridge civil or magisterial district (No. 11), as said districts are at present defined, shall be, and the same is hereby, established as a road district, which may be extended and enlarged as hereinafter provided.

§ 2. The said road district shall be under the management and control of a board of nine commissioners, whose term of office, subject to the provisions hereinafter made, shall be three years. They shall be elected by the qualified voters resident in said district as hereinafter directed, and shall be styled "The Board of Road Commissioners of Christian County;" and by that name and style shall be a body-politic and corporate; and may sue and be sued, plead and be impleaded, contract and be contracted with; and may adopt and use a common seal, and change the same at pleasure; and may do and perform all acts and things authorized by law.

§ 3. Before entering upon their duties, the said commissioners shall take an oath in the county court of Christian county faithfully to discharge the duties of their office to the best of their skill and ability, which shall be noted of record. They shall elect one of their number president, who shall be the chief executive officer of the board; he shall preside at the meetings of the board, and shall have power to call special meetings whenever he shall consider it necessary so to do; and it shall be his duty to call special meetings of the board when requested, in writing, by five members thereof. The commissioners shall also elect a secretary, who shall record the proceedings of the board, and shall be the custodian of the books, papers, and records of the board, which shall be subject at all times to the inspection and supervision of the board or any of its members; and he shall perform such other duties as shall be required of him by the board.

§ 4. No person shall be eligible or shall serve as a road commissioner under this act who is not a qualified voter of Christian county, residing in the road district as defined in the first section of this act, or as the district may hereafter be extended or enlarged, and who is not the owner of real property subject to taxation under this act of not less value than one thou-

sand dollars, or who holds any civil office in Christian county, or who is interested, either directly or indirectly, in any contract made by or with the board, or in the payments to be made by the board for any work done or to be done by or under the direction of the board, or under contract with it. A majority of the board of road commissioners shall constitute a quorum for the transaction of business. They shall have power to make all necessary rules and regulations for their meetings, and for the conduct of the business of the board; to appoint a president *pro tempore*, who shall discharge the duties of the president of the board when that officer is absent or unable to act; to appoint all subordinate agents or employes that may be needful for the proper and efficient execution of the public work of the board, and for the effectual protection of the interests of the road district, and to fix the compensation of the officers, agents, and employes of the board. Should a vacancy occur by the death, resignation, or removal of any of the members of the board, or by the failure or refusal of any one elected or appointed as a member of the board to qualify or act as such, the remaining members shall have the power to ascertain and to fill such vacancy by the appointment of a suitable and eligible person, who, after qualifying, shall serve during the remainder of the term of office.

§ 5. All of the public roads in the said road district shall be subject to the management and control of the board of road commissioners of Christian county for the purpose of securing and maintaining the free use thereof by all persons for travel and transportation; and the said board of road commissioners is authorized, within the limits of the road district, and with the means to be provided therefor, to grade and macadamize, and otherwise improve, any or all of said public roads, or any part thereof, in their discretion, and to maintain and keep the same in repair, and free from obstruction, and to insure and protect the public in the free use thereof for the purposes aforesaid. And in order to facilitate the transportation of stone-coal and other products for the use, consumption, and traffic of the inhabitants of the said road district, the said board of road commissioners is authorized and empowered similarly to improve, maintain, and keep in repair and free from obstruction, and subject to the like free use, any public road in Christian county leading from

the city of Hopkinsville to coal banks or mines in said county: *Provided*, That this act shall not be construed as repealing or abrogating the general laws of the State of Kentucky relating to the care and superintendence of the public roads in said county; but the county court of said county shall not be required to appoint a surveyor for any road precinct in said county which shall have been improved by or under the direction of the said road commissioners as authorized by this act.

§ 6. It shall be lawful for the board of road commissioners to purchase from the owners, at a fair value, to be ascertained in any manner the board may agree upon, the stock of any turnpike company existing at the passage of this act which has improved and controls any of the public roads in said road district. When the board of road commissioners shall obtain the control of any such improved road in said road district by the purchase of its stock, or by the consent of the company controlling it, such road shall be open for the use of all persons for the purposes aforesaid without toll or charge therefor. And the board of road commissioners is hereby authorized to use any portion of the revenues hereinafter provided for the improvement of the public roads in the said road district that may be necessary to enable them to purchase the stock and obtain the control of such improved roads; and the board of road commissioners is further authorized and empowered to negotiate temporary loans of money for said purpose, and to use said revenues for the repayment of same; but the commissioners shall have no power to negotiate any loan for an amount greater than one half of the net revenue authorized by this act, and estimated for the year in which the proposed loan is to be negotiated; nor shall more than one half of such net revenues, in any year, be expended in the purchase of said turnpike stock by the road commissioners. Said road commissioners shall not use any portion of the revenue authorized by this act in the purchase of the turnpike stock of any turnpike company in said county until twenty miles of road in said road district shall have been improved as provided for by the provisions.

§ 7. In order to provide the board of road commissioners with the means necessary for improving and maintaining and keeping in repair and open for free use the public roads in the county of Christian as contemplated and authorized by

this act, it shall be the duty of the county court of said county to levy and cause to be collected each year a tax upon all the property, both real and personal, situated in the said road district, and that is subject to taxation for the general revenues of this State and the said county, at a rate not exceeding fifty (50) cents upon each one hundred dollars' worth of said property as listed by the tax assessor of said county; and the said court shall also levy or assess on each of the tithables in the said road district who are chargeable for levies imposed for county purposes, a capitation or poll-tax each year, not exceeding one dollar. This levy and assessment shall be laid at the same time the county court lays the levy of taxes for general county purposes; and the said taxes shall be collected by the sheriff of the county, or other officer who shall collect, or whose duty it shall be to collect the revenues of the State and county in said county, and shall be collected at the same time and in the same way the State and county revenues are collected; and the said sheriff or other officer and his sureties shall be liable for the same in all respects as for the other revenues of the county; and it shall be the duty of the said sheriff or other officer collecting the said taxes, to account for and pay the same over as directed by the board of road commissioners, on written orders therefor, signed by the president and countersigned by the secretary of the board: *Provided*, That any person who shall be assessed and required to pay the capitation or poll-tax above provided for may discharge the same by work on any of the public roads in the said road district, under such rules and regulations as may be adopted by the board of road commissioners.

§ 8. To enable the county court, within the limit provided in the next preceding section, to ascertain the rate of taxation for the aforesaid purpose, it is hereby made the duty of the board of road commissioners to lay before the court annually, at the term when the levies are made, a statement of the work projected by the board for the ensuing or current year, together with an estimate of the amount of money that will be required by the board for such work, and for other necessary expenses. It shall also be the duty of the board to make to the court annually a full written report of the work done by or under the direction of the board during the year preceding, together with a detailed statement of the cost of such work, and of the expenditures of the board, and of the

unexpended revenue subject to the order of the board. A failure to make the report and statement last mentioned shall subject each commissioner guilty of such failure to a fine of not less than twenty-five nor more than fifty dollars for each offense, to be recovered on indictment in the circuit court of Christian county. The fines recovered under this section, after deducting fees and costs, shall be paid over to the county court, and shall be appropriated to the reduction of the county debt.

§ 9. The revenues provided by this act shall be used and appropriated by the board of road commissioners for the purposes set forth in section five of this act, and for the payment of the expenses of the board, including the compensation of its officers, employes, and agents for their services: *Provided*, That compensation to the members of the board for their services shall be fixed by the county court of Christian county, and shall be paid out of said revenues.

§ 10. The county court of Christian county shall not levy the taxes required by this act until the question of such taxation shall have been submitted to the legal voters of Christian county residing within the said road district at a special election, which shall be ordered by the presiding judge of said court sitting in court as hereinafter directed; and if a majority of the legal vote which shall be cast at the election shall be in favor of said taxation, then it shall be the duty of the county court to make the levy and cause the taxes to be collected from year to year as provided in this act. The question to be submitted and propounded to said voters shall be in form, substantially, "for the road tax?" or "against the road tax?" Those voting in favor of such taxation shall be recorded on the poll-books "for the road tax;" and those voting against it shall be recorded "against the road tax." The proposition to tax shall be submitted, as herein above provided, upon the written petition and request of a majority of the road commissioners; and it may be submitted any number of times notwithstanding it may have been previously defeated. But such special elections shall not be held oftener than once in the same year. Such special election shall be conducted and the result ascertained in all respects as provided in the General Statutes of Kentucky regulating general elections, except that the presiding judge of said county court shall fix the day in which it shall be

held, which shall not be more than thirty days after the filing of the petition and request for the election, but shall not be a day on which any other general election is required to be held. The sheriff, or the officer who shall act in his place in holding the said election, shall give notice thereof by advertisements, which he shall cause to be published in at least two consecutive weekly issues of all the newspapers printed in said county preceding the day of the election, or in such other ways as the presiding judge shall direct: *Provided*, That no persons shall be permitted to vote at any such election except bona fide residents of the road district who are, at the time of the election, legal voters of said county, and no other votes shall be received by the officers of the election or counted by the board for examining the poll-books: *And provided further*, That as soon as the result of such election is ascertained by the examining board, they shall certify it, and the presiding judge shall cause it to be entered on the order-book of his court.

§ 11. The following persons are hereby appointed commissioners, viz: W. G. Massie, Dr. J. D. Clardy, James M. P. Pool, Thomas Green, John M. Cox, Dr. James Wheeler, Dr. R. M. Fairleigh, Joseph K. Gant, and W. S. Cheatham, and they shall constitute the first board of road commissioners of Christian county under this act; and they shall serve until their successors are elected and qualified; and shall have power to fill vacancies as provided in section four (4) of this act. The election of road commissioners under this act shall be by the qualified voters of Christian county residing bona fide in the said road district, and shall be held on the first Monday of August in each year as hereinafter provided.

§ 12. As soon as practicable, after the laying of the first levy by the county court of Christian county as required by this act, the board of road commissioners shall meet, and by lot divide themselves into three (3) classes, each class to contain three (3) commissioners. Successors to the first class of said commissioners shall be elected on the first Monday of August after the said classification, who shall hold their offices for three years, and until their successors are elected and qualified; successors to the second class of said commissioners shall be elected on the first Monday of August in the year succeeding the last named election, who shall hold their offices for three years, and until their successors are elected and

qualified; successors to the third class of said commissioners shall be elected on the first Monday of August in the year succeeding the election last mentioned, who shall hold their offices for three years, and until their successors are elected and qualified: *Provided*, That none of the foregoing provisions of this act shall be construed as to prevent the re-election of any of the commissioners.

§ 13. Upon the petition of fifty of the legal voters of Christian county, residing in that portion of the county which is not embraced in the road district established by this act, it shall be the duty of the presiding judge of the Christian county court, sitting in court, to submit to the legal voters of that portion of said county the proposition to be included in said road district. The proposition shall be submitted at a special election, to be ordered by the said presiding judge, which shall be held in the same manner, and under the same restrictions, as is provided and directed hereinbefore with reference to the said road tax; and the result of such election shall be ascertained, certified, and recorded in the same way. Should a majority of the votes cast at said special election be in favor of the proposition, then that portion of the county not embraced in said road district shall be added thereto, and included therein; and the public roads therein shall in like manner be subject to the control and management of the board of road commissioners of Christian county; and the property in that portion of the county subject to taxation for the revenues of the State and county, and the tithables residing in that portion of the county, shall, in like manner, be subject to assessment, levy, and taxation for the purposes provided in this act; but no persons shall be permitted to vote under this section, except bona fide residents of that portion of the county not embraced in said road district, who are at the time of the election legal voters of said county. Should the vote at such election be in favor of said proposition, then the whole of the territory embraced within the county of Christian shall constitute and be established as one road district: *Provided*, That there shall be no election under this section until after the first levy of taxes under this act is laid by the county court.

§ 14. Any officer or other person who shall violate the laws regulating the election which shall be held as authorized by this act shall be subject to all the pains and penalties de-



nounced by the statute laws of Kentucky against similar offenses.

§ 15. That before any election shall be held under the provisions of this act, two or more citizens of the county of Christian, and residents of said road district, shall enter into bond, with approved security, before the county court of said county, conditioned for the faithful payment of all costs and expenses attending the holding of any special election under this act. If a majority of the votes cast under this act are cast in favor of the proposition as herein contemplated, the expenses of holding such election shall be paid out of the first levy laid and collected under this act. Should a majority of the votes cast at any such election be against the levy of said road tax, the obligors in said bond shall be liable upon said bond for the payment of such expenses.

§ 16. This act shall take effect and be in force from its passage.

Approved March 29, 1882.

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#### CHAPTER 594.

AN ACT to amend the road laws of Carter and Elliott counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the county courts of Carter and Elliott to immediately, after the taking effect of this act, to appoint one road commissioner for each of said counties, who shall hold his office until his successor is appointed and qualified. It shall be the duty of said road commissioner so appointed, on receipt of notice of his appointment to said office, or at the next county court of his county thereafter, and before entering upon the duties of his said office, to take an oath or affirmation for the faithful discharge of his duties as road commissioner of said county, and give bond and security, to be approved by the county court, and payable to the Commonwealth, and conditioned for the faithful discharge of his duties as road commissioner, on which bond any person considering himself aggrieved may sue, and one recovery shall be no bar to another suit or suits.

§ 2. It shall be the duty of the road commissioner to lay off each of said counties in two road districts, which he may

alter and change at pleasure, and to appoint one road overseer for each district so laid off by him; and he may remove the said overseer at pleasure; and it shall be the duty of the several overseers so appointed by the road commissioner to cause the roads in their respective districts to be improved and kept in good repair, and see that all the labor or money due to the roads is faithfully applied to the roads of their districts: *Provided*, That the money collected in each district shall be applied to the benefit of the roads in that district, if the commissioner shall choose to direct the same.

§ 3. The said commissioner shall be a body-corporate, and by the name of the road commissioner of Carter or Elliott county may sue and be sued, may plead and be impleaded, defend and be defended, answer and be answered; and by the name and style aforesaid may contract and be contracted with in relation to any of the objects, direct or incidental, for which he was appointed, and he and his successors shall be considered in law a body existing in perpetuity: *Provided, however*, That any person injured may and shall, for the malfeasance or nonfeasance, trespass on, or conduct incompatible with the powers granted by this act of incorporation on the part of said commissioner, have the right to sue such commissioner and his securities in their individual right; and in that character shall they alone be liable for said wrongs hereinbefore enumerated.

§ 4. That when any thing shall be subscribed by any person or persons in aid of improving the public roads, or the building or repairing of any bridge, and failing to pay the amount so subscribed, the commissioner shall have the right in the law to recover the sum so subscribed.

§ 5. Every male person residing in the county over the age of twenty years, and under the age of fifty years, shall be compelled to furnish work on the public roads, by himself or substitute, four days in each year, furnishing suitable tools for the performance of the labor so required. It shall be the duty of the overseer to give each person liable to work on the public roads at least three days' notice of the time and the place of working said roads in said district; and if such person should fail to attend and work out the time required of him by law, to the satisfaction of the overseer, or furnish said four days' labor by substitute, he shall forfeit and pay to the overseer of his district two dollars for every one day of said

work so delinquent, to be recovered by suit in the name of the Commonwealth, as is hereinafter provided for, which amount so recovered shall be applied to the road or roads where the labor originally belonged.

§ 6. That the county judge and justices of the peace in said county be, and are hereby, authorized to render judgment out of their regular term time against any hand that shall hereafter fail to work said roads as required of them by this act, by due proof being made thereof before said judge or justice of the peace of such failure. The overseer shall be a competent witness to prove any fact before any judge or justice on trial of said cause, and proof of the person having had three days' notice, verbal or written, given to him, or left at his residence with any member of his family competent of informing him of the time and place of working the roads, will be sufficient. The penalty for failing or refusing to work roads shall be two dollars for each day, and *capias pro fine* may issue on all such judgment until same is satisfied.

§ 7. The road commissioner may exempt any person from all or any part of their road work for manifest disability or other good causes shown, and giving the person so exempt a certificate of such exemption. Any person claiming exemption from road work on account of age, must present to the overseer, if he require it, his affidavit stating that he is over fifty or under twenty years of age, sworn to before some officer authorized to administer an oath; and the road commissioner is hereby authorized to administer said oath that may be required in the enforcement of said law in said county.

§ 8. There shall be collected by the sheriffs of each of said counties, at the same time they collect State revenue tax, ten cents on the one hundred dollars' worth of property assessed for State revenue purposes, which sum so collected shall constitute a road fund for said counties over and above the labor as required by this act. The said sheriffs shall give bonds, made payable to the Commonwealth, with good security, conditioned for the faithful discharge [of] the duties as required of them by this act, for the faithful collection and disbursing of said road fund according to the requirements of this act, which bonds shall be approved of by the county court of the respective counties the same as other bonds of said sheriffs, and on which, for any failure of said sheriffs to collect or dis-

burse said road funds according to the requirements of this act, it shall be the duty of the road commissioner, in his corporate capacity, to institute suit in the county court of said county against said sheriff and his securities, and to prosecute said suit to final judgment for such default of said sheriff.

§ 9. It shall be the duty of each and every road overseer to report to the road commissioner of his county, and settle up his accounts as road overseer on or before the first day of December of each year, which report or settlement shall be verified by the oath of said overseer. They shall also report the condition of the roads in their districts; and if any overseer shall fail to so report and settle up with said commissioner, or having settled, there be any laborer delinquent in his district at the time of his settlement, he shall himself be responsible for such delinquents, unless he can show, to the satisfaction of the road commissioner, that such delinquency was not a fault of his. It shall be the duty of the road commissioner, on or before the first Monday in January of each year, to report to the county court any overseer that may be delinquent for the previous year, or in making his settlement with said road commissioner as required by law, and said court shall cause a rule to issue against such overseer, and after five days' notice to him, shall render judgment against him for the full amount of the labor due the road in his said district, unless he shall answer and show by proof that the said labor has been applied to the road in good faith, or that the same could not be obtained after proceeding as directed by law; but shall render judgment for all costs if he shall fail to settle before he was reported to said court. On such judgment rendered by said court a *capias pro fine* may be issued against said overseer from time [to time] until the same shall have been satisfied. Said suit shall issue in the name of the road commissioner, who shall be a competent witness to prove any fact on the trial of said suit. Any person liable to do work on the public roads may be appointed overseer by the said commissioner, and upon his receipt of the commission, or notice of his appointment as overseer of certain districts, he shall be held by the law to be the overseer of said district, and liable to all the penalties of this act: *Provided*, That no person shall be required to serve as overseer more than two years out of any three. The road commissioner

shall allow each overseer in his settlement with him one dollar per day necessarily spent on or for the benefit of the road in his said district over and above the four days required of him by law, to be paid out of the road fund of said county as other claims are paid, for the enforcement of the road laws of said county.

§ 10. The road fund of said county shall be under the control of the road commissioner of said county, and paid out on his orders, which shall be proper vouchers in the hands of the sheriff for the payment of the same; it shall be the duty of the road commissioner first of all to settle the incidental expenses of the enforcement of the road law in said county, and give his orders for the same on the said road fund; the residue of the said road fund shall be applied by the road commissioner to the improvement of the public roads in said county, which improvement he may have made by contract or otherwise as he shall deem proper: *Provided, however,* That when the amount to be expended shall exceed fifty dollars, there shall be associated with him two other persons, citizens of the county, to be appointed by the county judge, who shall not be interested in the improvements to be made, and who, while acting as councilor or adviser, shall be under oath for the faithful performance of their duty as such; and when said improvement shall have been completed to the satisfaction of the commissioner or commissioners and advisers, where the amount shall exceed fifty dollars, the commissioner shall draw his order on the sheriff for the amount so expended for roads (or other improvements), directing it to be paid out of the road fund of said county, which order the sheriff shall pay when it is presented to him and there is funds in his hands to that amount. The said commissioner shall, on or before the first Monday in January in each year, make and deliver to the county court a true report of the condition of the road fund of said county, showing the amount that has been collected the previous year, and from what source it was collected; also the amount that has been expended, and what such expenditures were for, for the same period; also show the total amount, if any, delinquent to said fund, and any other facts that said commissioner should have reported; he shall also make a true copy of said report, and cause the same to

be posted on the court house door at the same time for public inspection.

§ 11. The county judge, county clerk, and road commissioner, or any two of them, shall constitute a board to settle with the sheriff, on or before the fifteenth day of December of each year, the receipts and disbursements of the road fund of said county by him, and make such allowance to said sheriff as may seem reasonable, which allowances may be kept out of said funds by said sheriff.

§ 12. The road commissioners shall be allowed a reasonable compensation for his services as road commissioner. He shall keep a correct account of his services, and make out a detailed account of the same, and present it to the county judge and clerk, who shall audit said account, and direct the sheriff to pay to said commissioner the amount allowed out of said road fund not otherwise appropriated.

§ 13. It shall be the duty of the road commissioner of said county to procure and keep in his office a book or books in which he shall cause to be entered the name of all the road overseers, with the date of their appointment, and the boundaries of all road districts in said county; also to keep a record of the state of road funds in the hands of sheriff, and a record of the settlement with said sheriff, which book shall be public property and delivered to his successor in office, with all other property belonging to said county road fund that may be in his hands when his successor has been appointed and qualified. Said books shall be considered a part of incidental expenses of the enforcement of the road law, which shall be paid for out of the road fund. It shall also be the duty of said road commissioner to furnish to each road overseer an order of his appointment as overseer, containing the boundary of his district. The road commissioner shall also cause an abstract of this act to be printed in pamphlet form and furnish each road overseer, which shall be held by said overseer as public property, and deliver the same to their successors in office, with all other public property held by him as road overseer. The publishing of said law shall be paid for in the same manner and out of same fund as other incidental expenses.

§ 14. That in case of any vacancy by death, removal, or otherwise, in the office of road commissioner, the county court shall fill the vacancy by appointment of a successor,

whose duty it shall be to execute bond and perform all the duties as are herein required by the commissioners herein named, and upon the appointment and qualification of a new commissioner the former one or his representative shall deliver to his successor all the books and papers belonging to the public or which was purchased with the public money.

§ 15. In all motions or suits brought under the provision of this act by the road commissioner, the attorney for the Commonwealth, if in the circuit court, and the county attorney, if in the county court, shall officio prosecute the same; and the clerk, sheriff, and other officers shall charge no fees unless judgment be given against defendant or defendants; and then the costs in the execution shall be for the benefit of the officers rendering services, and for witness and others who have a right thereto; and the officers collecting the same shall pay the same over to the person entitled thereto.

§ 16. Whenever it shall become absolutely necessary, in the improvement and repairs of the public roads and bridges, for the county or counties to have the service of teams or to have timber, stone, earth, or other materials for said purpose, and the same cannot be obtained by contract or otherwise, then the overseer, whose duty it is to have the public roads kept in repair, may press any team or teams, cut and carry away from the lands adjoining any timber, stone, earth, or other material that may be necessary to make said repairs. He shall first have the things so taken or pressed valued by two disinterested freeholders of said county; and they shall certify such valuation to the road commissioner for settlement, and deliver the same, when called upon, to the owner of said property so taken; and when said certificate, with the valuation, is presented to said commissioner, he shall settle the same as is provided for the settlement of other claims against said commissioner: *Provided, however,* That in no case shall the overseer take any material for the repairs of roads from any town lot.

§ 17. That whenever it shall become necessary for the improvement of any of the public roads of said county to change the track of said roads to either side of the old track, the overseer shall have the power to change said road to either side of the old track, not exceeding sixty feet from the original track, without the consent of the owners of the lands where said change is made; he may move in any fence leaving:

it as good as it was when he so moved it; but in no case shall he pull down or remove any house or other building without the consent of the owner. All such changes of such roads must be to obtain better grounds for said roads to pass over. If any person consider himself aggrieved by any such changes of the road, he may present his case to the overseer making said changes, and then said overseer shall take two or more disinterested freeholders, and have them value the damage that is claimed to have been done by such change of the road, taking into consideration the land that has been abandoned by the road to the owner, as well as the land occupied by the road, certifying such valuation to be reasonable to the road commissioner; and he shall settle the same, if he considers it just and reasonable, the same as other claims against the road fund.

§ 18. It shall be the duty of the road overseer to cause to be erected and kept up, on a post or tree at the forks of the roads or crossing of the public roads in said county or counties, guide-boards, with painted subscription thereon directed to the most noted places to which each of the roads lead, the cost of which shall be paid out of the road fund of said county. The public roads, when necessary, may be kept open fifty feet wide; and in no case shall they be closed up to less width than fifteen feet. Any person closing up said road to a less width, or willfully filling up a ditch of said road, or tearing out a water-break, or tearing down a guide-board, or otherwise obstructing or damaging said road, shall be liable to be prosecuted and fined, in the discretion of the jury, any sum not exceeding fifty dollars. The circuit judge shall give specially in charge of the grand jury the road laws of said county. Any officer required to perform duties by and under the said road law may be presented by the grand jury of said county, and fined, in the discretion of the jury, any sum not exceeding fifteen dollars for overseer, and fifty dollars for other officers, for the willful neglect of the duties required of them by this act over and above the responsibility that they may incur from such neglect of duty. In said action, fines recovered against any officer or other person arising under this act shall be paid over by the officer collecting the same to the sheriff of said county, to be held and paid out by him as part of the road fund of said county; and the officer collecting and paying over the same shall forthwith report the same to



the road commissioner, with the amount so collected and paid over to said sheriff.

§ 19. That all former amendments to the road laws of the counties of Carter and Elliott, and all general laws in conflict with this act, as far as the aforesaid counties are concerned, are hereby repealed.

§ 20. This act to take effect from its passage.

Approved March 29, 1882.

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#### CHAPTER 595.

AN ACT to incorporate the Falmouth and Cynthiana Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That such persons who do subscribe or otherwise contribute to the capital stock for the construction of a turnpike from the terminus of the two miles of the turnpike built by the Falmouth Turnpike Road Company and its Claysville route to Cynthiana, in Harrison county, Kentucky, are hereby created a body-politic and corporate, under the name and style of the Falmouth and Cynthiana Turnpike Company, and by that name may contract and be contracted with, sue and be sued, and to do all other things necessary and proper to carry out the object of its incorporation, and to have perpetual succession. Style.

§ 2. That George W. Booler, George C. Farris, John John-  
ting, Joseph Riddle, and John W. Ammerman, be, and are  
hereby, appointed commissioners, who, or any one of them,  
are authorized to receive subscriptions to the capital stock  
of said company until a sufficient amount is subscribed to  
complete said road; but when three thousand dollars to said  
capital stock is subscribed, the stockholders are authorized at  
such time and place, and in such manner as may be directed  
by said commissioners, any three of whom may act, to elect  
a board of directors composed of five of its stockholders;  
said board shall elect one of its number as president, and  
shall elect a treasurer and secretary. Said board shall hold  
their office for one year, and until their successors are elected.  
In all elections each stockholder shall have one vote for each  
share of stock owned in said road, which vote he may cast in  
person or by written proxy. Commissioners.

§ 3. That it shall be the business of said company, and it shall have the right and power, to construct a turnpike road on the macadamized plan from the southern terminus of the Falmouth Turnpike Road Company's two mile of road, as before named, to Cynthiana, Kentucky.

§ 4. That said road shall not be less than thirty feet wide, and stone not less than fourteen feet wide, and an average depth of eight inches, and the grade sufficient to support the same. Within said limitations the board of directors of said company may determine the manner of constructing said road.

Directors.

§ 5. The business and affairs of said company shall be under the management of its board of directors, including the construction and repair of its road, and management of same, and the appointment of such officers, toll-collectors, and other agents as they may deem necessary; and they shall cause an accurate account of all their acts and proceedings, and all their business transactions, to be kept by the secretary of the company, which shall be liable before the stockholders for their inspection at each of their regular or called meetings. A majority of said directors shall constitute a quorum for the transaction of any business.

Capital stock.

§ 6. The capital stock of said company shall not exceed forty thousand dollars, divided into shares of fifty dollars each, which shall be paid in such installments and at such times as required by the board of directors of said company. Said directors shall issue a certificate of stock to the owner thereof for each paid-up share, which certificate shall be signed by the president, and countersigned by the secretary of said company. Said directors shall keep a record of all stock issued by them, which stock shall be transferable only on said company's books.

§ 7. The said company may locate its road along and occupy such portions of the county road and passways along and in its route as it may deem advisable; may acquire, by gift or purchase, land for right of way, and for material for said road, either in constructing or repairing said road, and for toll-houses, and may condemn for any of said purposes, as is provided for by the general laws of this State in cases of turnpike roads.

§ 8. The company shall have the right to erect toll gates and collect tolls on said road. The rates of toll which said

company may collect shall be governed by the provisions of the General Statutes. It may so erect its gate and collect tolls as aforesaid as soon as two consecutive miles of said road is completed.

§ 9. Said company shall keep separate subscriptions for the stock subscribed in each county through which said road runs, and the stock subscribed by the county court of said counties to said company's capital stock shall be applied, together with the other stock subscribed to its capital stock for said county, for the purpose of building said road in said county for which it was subscribed; and said company shall keep a separate account of the tolls collected on the portion of said road that lies in each of said counties, and the toll collected on said parts of said road shall be first applied to the keeping in repair that portion of the road in the county in which it was collected, and the residue of said tolls shall be a dividend upon the stock subscribed to said portion of said road.

§ 10. This act shall take effect from and after its passage.

Approved March 29, 1882.

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#### CHAPTER 596.

AN ACT to amend an act, entitled "An act for the benefit of the city of Ashland, and to amend certain acts relating to the town and city of Ashland," approved March 26th, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act for the benefit of the city of Ashland, and to amend certain acts relating to the town and city of Ashland," approved March 26th, 1878, be amended as follows: The board of common council of said city of Ashland shall have power to fill by appointment any vacancy existing or occurring in any of the offices declared elective by the act aforesaid, until the next regular city election, at which shall be chosen the successor for the whole or unexpired term so previously filled by appointment: *Provided, however,* That in case of the death, resignation, or permanent removal of the mayor from the city more than sixty (60) days previous to a regular election, his successor shall be chosen at a special election held in the manner provided in

§ 3. That it shall be the business of said company, and it shall have the right and power, to construct a turnpike road on the macadamized plan from the southern terminus of the Falmouth Turnpike Road Company's two mile of road, as before named, to Cynthiana, Kentucky.

§ 4. That said road shall not be less than thirty feet wide, and stone not less than fourteen feet wide, and an average depth of eight inches, and the grade sufficient to support the same. Within said limitations the board of directors of said company may determine the manner of constructing said road.

Directors.

§ 5. The business and affairs of said company shall be under the management of its board of directors, including the construction and repair of its road, and management of same, and the appointment of such officers, toll-collectors, and other agents as they may deem necessary; and they shall cause an accurate account of all their acts and proceedings, and all their business transactions, to be kept by the secretary of the company, which shall be liable before the stockholders for their inspection at each of their regular or called meetings. A majority of said directors shall constitute a quorum for the transaction of any business.

Capital stock.

§ 6. The capital stock of said company shall not exceed forty thousand dollars, divided into shares of fifty dollars each, which shall be paid in such installments and at such times as required by the board of directors of said company. Said directors shall issue a certificate of stock to the owner thereof for each paid-up share, which certificate shall be signed by the president, and countersigned by the secretary of said company. Said directors shall keep a record of all stock issued by them, which stock shall be transferable only on said company's books.

§ 7. The said company may locate its road along and occupy such portions of the county road and passeways along and in its route as it may deem advisable; may acquire, by gift or purchase, land for right of way, and for material for said road, either in constructing or repairing said road, and for toll-houses, and may condemn for any of said purposes, as is provided for by the general laws of this State in cases of turnpike roads.

§ 8. The company shall have the right to erect toll gates and collect tolls on said road. The rates of toll which said

company may collect shall be governed by the provisions of the General Statutes. It may so erect its gate and collect tolls as aforesaid as soon as two consecutive miles of said road is completed.

§ 9. Said company shall keep separate subscriptions for the stock subscribed in each county through which said road runs, and the stock subscribed by the county court of said counties to said company's capital stock shall be applied, together with the other stock subscribed to its capital stock for said county, for the purpose of building said road in said county for which it was subscribed; and said company shall keep a separate account of the tolls collected on the portion of said road that lies in each of said counties, and the toll collected on said parts of said road shall be first applied to the keeping in repair that portion of the road in the county in which it was collected, and the residue of said tolls shall be a dividend upon the stock subscribed to said portion of said road.

§ 10. This act shall take effect from and after its passage.

Approved March 29, 1882.

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#### CHAPTER 596.

AN ACT to amend an act, entitled "An act for the benefit of the city of Ashland, and to amend certain acts relating to the town and city of Ashland," approved March 26th, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act for the benefit of the city of Ashland, and to amend certain acts relating to the town and city of Ashland," approved March 26th, 1878, be amended as follows: The board of common council of said city of Ashland shall have power to fill by appointment any vacancy existing or occurring in any of the offices declared elective by the act aforesaid, until the next regular city election, at which shall be chosen the successor for the whole or unexpired term so previously filled by appointment: *Provided, however,* That in case of the death, resignation, or permanent removal of the mayor from the city more than sixty (60) days previous to a regular election, his successor shall be chosen at a special election held in the manner provided in

article ten of said act for general elections, proclamations whereof shall be made by the board of common council, issued at least ten days before such special election.

§ 2. That sections seven, eight, ten, eleven, thirteen, and fifteen of article seven of said act be amended by striking out the words "city clerk" occurring therein, and inserting in lieu thereof the words "county clerk," so as to require the collector to make return of sales to the clerk of the Boyd county court; and the said clerk shall perform the duties and have the fees required of and allowed to the city clerk; and the book heretofore kept by the city clerk shall be delivered to the county clerk, who shall continue the record of the sales made and returned to him by the city collector.

§ 3. That section sixty-one of article four, and section two of article nine, be amended by adding next after the words in sixty-first section of "not exceeding one hundred dollars for any one offense," the words "and imprisonment not exceeding fifty days;" and in second section of article nine by striking therefrom the words "except felonies," and inserting in their place the words, "the punishment of which is limited to a fine not exceeding one hundred dollars and imprisonment not exceeding fifty days."

§ 4. That section six of article nine of the act aforesaid, empowering the mayor's court of Ashland to summon and empanel a grand jury therein, is hereby repealed.

§ 5. This act shall take effect from its passage.

Approved March 29, 1882.

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#### CHAPTER 597.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Princeton," approved February 28th, 1870.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Princeton," approved February 28th, 1870, be, and same is hereby, amended as follows: That hereafter there shall be six (6), trustees of said town of Princeton, four of whom shall constitute a quorum for transaction of business, and three of

whom shall be elected on the first Saturday in April of each year as now provided, and shall hold their office for term of two years, and until their successors shall be elected and enter upon discharge of their duties. Three of the present board of trustees shall hold their office until the first Saturday in April, 1883, and until their successors shall be elected and enter upon the discharge of their duties. And before the next election the present board shall determine by lot which three shall hold their office. Term.

§ 2. That at elections held under the charter of said town, or amendments thereto, no person shall be qualified to vote unless he shall have first paid all taxes and assessments under said charter or amendments, and due and owing by him up to and including those for the year immediately prior to that in which such election is held; and if the vote of any person not qualified under the provisions of this section and otherwise to vote shall be received at such election, same shall be void and of no effect: *Provided, however,* That the provisions of this section shall not apply to taxes or assessments that shall have been due more than three years at time of such election. Voters.

§ 3. Any person who shall vote at any election held under the charter of said town, or amendments thereto, not being at the time a qualified voter at such election, shall be fined not less than twenty-five nor more than one hundred dollars, or imprisoned not less than ten nor more than sixty days, or both so fined and imprisoned. Such penalty may be enforced in the police court of said town, or in Caldwell circuit court. Fine.

§ 4. That hereafter the term of office of the police judge and town marshal of said town shall be two years, and until their respective successors shall be elected and enter upon the discharge of their duties. Police judge and town marshal — terms.

§ 5. The police judge of said town shall have the power at any time to issue subpoena for, and compel the attendance of, any person before him to give information on oath in regard to any alleged violation of the charter, by-laws, or ordinances of said town; and upon such information, may issue summons or warrant of arrest.

§ 6. The board of trustees of said town shall have the power to prescribe a limit within said town within which no frame, log, or other wooden structure shall be erected; and may prescribe a limit within which permission of said board

shall be required before erection of any building or structure; and it shall be the duty of said board to prevent the erection of any building or structure, or the making of any excavation, without such permission, which would in any part be within any street of said town if same were extended on straight line with existing portion of such streets to the corporate limits of said town. Said board shall prevent the use within said town of any dangerous or unsafe flue, pipe, chimney, fire-place, hearth, grate, stove, or other apparatus for heating, or in which fire is used, and may condemn and remove same as a nuisance.

§ 7. The board of trustees of said town shall have the power to adopt and enforce ordinances to effectuate any of the provisions of this act, and to prescribe penalties for the violation of same.

§ 8. This act shall be in force from and after its passage.

Approved March 29, 1882.

#### CHAPTER 598.

AN ACT to incorporate the Falmouth and Chipman Hall Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Style.

§ 1. That the persons who have subscribed or may subscribe stock for the purpose of constructing a turnpike road from the western terminus of the Falmouth Turnpike Road Company's Road to Chipman Hall, are hereby created and declared a body-politic and corporate, under the name and style of the Falmouth and Chipman Hall Turnpike Road Company, and by that name may contract and be contracted with, sue and be sued, and to do all other things necessary and proper to carry out the objects of this incorporation, and shall have perpetual succession.

Purposes.

§ 2. That it shall be the business of said company, and it shall have the right and power to construct a turnpike road, on the macadamized plan, from the western terminus of the two miles of the Falmouth Turnpike (which runs westward from Falmouth) to Chipman Hall.

§ 3. That said road shall not be less than thirty feet wide, and the stone not less than fourteen feet wide, and an average



depth of eight inches, and the grade sufficient to support the same. Within the above limitation, the board of directors of said company may determine the manner of constructing said road, and locate same.

§ 4. The business and affairs of said company shall be under the management and control of its board of directors, including the construction and repair of its road, and management of same, and the appointment of such officers, toll collectors, and other agents, as said directors may deem necessary; and they shall cause an accurate account of all their acts and proceedings, and all their business transactions, to be kept by the secretary of the company, which shall be laid before the stockholders for their inspection at each of their regular or called meetings. Directors.

§ 5. Said board of directors shall consist of five stockholders in said company's road, and shall hereafter be chosen on the first Monday in May of each year by a majority of the votes cast at said election. The members thus chosen shall select of said number one as president of said company. A majority of said number shall constitute a quorum for the transaction of any of said company's business. They may adopt such rules and by-laws, consistent with the laws of this Commonwealth, as they may deem best to promote the interest of said company. The present directors of said company who have been chosen by the stockholders in said company, and their successors in office, shall hold their said office until their respective successors are elected and organized as hereinbefore provided. Directors.  
Election.

§ 6. The said company may locate its road along and occupy such portion of the county road and passways along and in its route as it may deem advisable, and may acquire by gift or purchase, or may condemn land for right of way and material for said road, either in constructing or repairing said road, and also ground not exceed one acre at each gate for a toll-house, as is provided for by the general laws of this State as in cases of turnpike roads.

§ 7. The company shall have the right to erect toll-gates and collect tolls on said road. It may do so as soon as two miles of its road is completed. The rates of toll which said company may collect shall be governed by the provisions of the General Statutes.

Capital stock.

§ 8. The capital stock of said company shall not exceed thirty thousand dollars, divided into shares of fifty dollars each, which shall be payable in such installments and at such times as required by the directors of said company; that the stockholders shall be entitled to one vote for each share of stock held by them, and any stockholder may vote in person or by proxy, in writing, at any election of the stockholders.

§ 9. The stock in said company's road shall be personal estate, and shall be transferable on the books of the company in person or by attorney.

§ 10. All acts done, contracts made, and rights acquired heretofore by the directors of said company on behalf of said company, shall have full force and effect, and inure to the benefit of said company, and all of said acts so done are hereby legalized.

§ 11. The stockholders of said company shall not be individually liable for the debts of said company beyond the amount of their unpaid subscribed stock.

§ 12. The directors of said company shall keep a record of all certificates stock issued to their said stockholders, and they shall issue a certificate of stock for every paid-up share of stock to the owner thereof, which certificate shall be signed by the president and countersigned by the secretary of said company. Said shares are transferable on the books of said company.

§ 13. This act shall take effect from and after its passage.

Approved March 29, 1882.

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## CHAPTER 599.

AN ACT to authorize the Pendleton county court to sue for and recover the possession of lands sold under executions where the said county court was plaintiff and purchaser, and to sell and convey said lands.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. The county court of Pendleton county is hereby authorized to procure a deed from the sheriff of Pendleton county, and to institute suit for the recovery of the possession of lands sold under execution in its favor, and purchased by the agent of said county in the same manner, and to the same extent, as an individual may under the laws of this Commonwealth in such cases. The county court may, in like

manner, proceed and recover the possession of any land hereafter sold under an execution, or at a decretal sale in its favor, and purchased by its agent or attorney; and the county court shall be as fully vested with the title, and acquire the same interest as an individual purchaser might at such sales.

§ 2. The county court of said county, when in session, and a majority of justices thereof being present and concurring therein, may, by an order, entered on the order-book of said county court, appoint and authorize an agent to sell and convey any lands or parcel of lands, or any interest therein, that the county may have, or hereafter may purchase or acquire an interest in, at an execution or decretal sale, wherein the county court is plaintiff, and has or may become the purchaser; and when conveyed by the said agent, said sale and conveyance shall be as binding as sales made by an individual in such cases.

§ 3. This act shall take effect from and after its passage.

Approved March 29, 1882.

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## CHAPTER 601.

AN AOT for the benefit of Ed. H. Bennett, of Taylorsville.

WHEREAS, On the 31st day of May, 1875, Ed. H. Bennett obtained from the board of trustees of the town of Bloomfield a license to keep a coffee-house, and also on the day next following, to-wit, the 1st day of June, he obtained from the clerk of the Nelson county court a license to keep a coffee-house, for which he paid to said clerk for the use of the Commonwealth a tax of fifty dollars; and whereas, said license was illegal and invalid because in violation of sections 9 and 11, article 2, chapter 92, of the General Statutes; and said Bennett was indicted and fined in the Nelson circuit court, and by reason of said indictment was put to great expense and trouble, and his rights and privileges under said license were annulled; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of fifty dollars, to be paid to Ed. H. Bennett, it being the amount the said Bennett paid to the clerk of the Nelson

county court, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

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#### CHAPTER 603.

AN ACT for the benefit of Jonathan Russell, late sheriff of Casey county.

WHEREAS, The said Jonathan Russell was sheriff of Casey county in the years of 1874, 1875, 1876, and 1877, and having paid all State tax and State revenue; and whereas, the said Russell has outstanding fees and taxes in said county due him to the amount of fifteen hundred or two thousand dollars; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the said Jonathan Russell have the further time of two years allowed him to collect outstanding debts, by the former sureties of the said Russell being responsible for all acts of the said Russell and his deputies; and the said Russell shall have the same power to distrain for fees and taxes due them that the sheriff now has.

§ 2. This act to take effect from and after its passage.

Approved March 29, 1882.

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#### CHAPTER 604.

AN ACT for the benefit of Thos. P. Nixon.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all the right of action, claim, and demand now held by the Commonwealth of Kentucky, or by the Eastern Lunatic Asylum, against James Nixon or his estate for or on account of his board and maintenance in said institution, is hereby transferred and assigned to Thos. P. Nixon, and he is hereby invested with authority to enforce the same in any of the courts of this Commonwealth.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

CHAPTER 605.

AN ACT for the benefit of James W. Foster, of Allen county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That James W. Foster, of Allen county, be, and he is hereby, given the further time of two years, from and after the passage of this act, in which to collect all the uncollected taxes in his hands as railroad tax collector for the county of Allen, and in the collection of said back taxes he is authorized and empowered to levy and distrain to the same extent and in the same manner as sheriffs are authorized by law to collect State revenue: *Provided*, That said Foster shall be liable to all of the pains and penalties now prescribed by law for illegal levy or sales.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1882

CHAPTER 606.

AN ACT to repeal an act, entitled "An act for the benefit of John W. Cook, P. A. Cook, and W. H. Cook, of Warren county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act for the benefit of John W. Cook, P. A. Cook, and W. H. Cook, of Warren county," approved February 6th, 1880, and all acts amendatory thereto, are hereby repealed.

§ 2. This act to take effect and be in force from and after the first day of January, 1883.

Approved March 29, 1882.

CHAPTER 607.

AN ACT for the benefit of Shelby Tarter, of Adair county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant upon the Treasury in favor of Shelby Tarter for the sum of thirty-one dollars and twenty-five cents, to be paid out of any money in the

Treasury not otherwise appropriated, for the keeping of Robert Kreigre, a pauper idiot of Adair county.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1882.

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#### CHAPTER 608.

AN ACT to authorize and require the owners of land on either side of Caldwell creek, in Webster county, to clear said creek of all drifts and other obstructions from its head to where it empties into Highland creek.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be the duty of the owners of land on either side of Caldwell creek, in Webster county, to clear said creek of all drifts and other obstructions from its head to where it empties into Highland creek, and keep the same cleared of drifts and other obstructions.

§ 2. That the party or parties violating the provisions of the first section of this act shall be fined not less than five nor more than twenty-five dollars, to be recovered before any justice of the peace in said county.

§ 3. The fines recovered under the provisions of this act shall be paid to the county judge, and he shall apply the same to the clearing out of that part of the creek that the person or persons was fined for failing to clean out.

§ 4. This act to take effect the first day of next October.

Approved March 29, 1882.

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#### CHAPTER 609.

AN ACT to amend the charter of the Paducah Gas-light Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That so much of section four of an act, entitled "An act to incorporate the Paducah Gas-light Company," approved February 27th, 1856, as requires notices of annual elections for directors of said company to be advertised in some newspaper published in Paducah, Kentucky, be, and the same is hereby, repealed, and instead of such advertisement said com-

pany shall give notice, in writing, of said annual elections to the stockholders of said company.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

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CHAPTER 611.

AN ACT to amend an act, entitled "An act to provide and maintain public schools in Cloverport, Breckinridge county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section three of "An act to provide and maintain public schools in Cloverport, Breckinridge county," approved February 23, 1876, be amended by striking out "July," in said section, and inserting in lieu thereof "May."

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

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CHAPTER 613.

AN ACT to authorize the county court of Scott county to submit to the voters of that county a proposition to increase the county subscription to turnpikes to \$1,000 per mile.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Scott county be, and is hereby, directed to submit to the voters of Scott county, at the next regular election, the question of increasing the county subscription to turnpikes to one (\$1,000) thousand dollars per mile. If a majority of the votes cast at said regular election shall be in favor of the proposed increase, then the county court of said county shall be authorized to subscribe \$1,000 per mile to all turnpikes constructed in said county, under the same conditions and limitations as now imposed by law.

Approved March 29, 1882.

## CHAPTER 617.

AN ACT for the benefit of Reuben George, formerly a justice of the peace in Ballard county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Reuben George, formerly a justice of the peace in Ballard county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect all fee-bills due him, and shall be entitled to all the rights and privileges which were allowed him by law in collecting such fee-bills at the time they were due: *Provided, however,* Said George shall be subject to all the pains and penalties now provided by law for issuing, distraining for, and collecting illegal fee-bills.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1882.

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## CHAPTER 618.

AN ACT to repeal an act incorporating the town of Big Spring, in the counties of Meade, Hardin, and Breckinridge.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the whole of chapter five hundred of the Acts of 1879, entitled "An act to incorporate the town of Big Spring, in the counties of Meade, Hardin, and Breckinridge," approved March 20, 1880, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

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## CHAPTER 619.

AN ACT to amend the charter of the town of Eminence, in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That so much of the charter of the town of Eminence as provides for the election by the people of a town marshal for said town is hereby repealed; and hereafter the board of trustees shall, at the first regular meeting after they have been elected and qualified, appoint a marshal for said town,



who shall hold his office at the pleasure of a majority of said board.

§ 2. When a vacancy in any office shall occur by reason of the death, resignation, or removal of any officer elected by the people, the board of trustees shall have the power to fill such vacancy by appointment until the next general election..

§ 3. All acts and parts of acts in conflict with this are repealed; and this act shall take effect from its passage.

Approved March 29, 1882.

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CHAPTER 620.

AN ACT to amend an act establishing a new charter for the city of Louisville, approved March 3d, 1870.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the term of the office of the chief engineer of the fire department of the city of Louisville is hereby extended to November, 1885, and the election therefor shall take place every four years thereafter in the month of November by a *viva voce* vote of the general council of the city of Louisville in joint session.

§ 2. That the present incumbent of said office shall hold the same until his successor is elected and qualified.

§ 3. All laws in conflict herewith are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved March 29, 1882.

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CHAPTER 621.

AN ACT for the benefit of common school district number ten, Marshall county.

WHEREAS, By oversight of the commissioner of common schools for Marshall county, forty-eight pupil children were omitted in the census report of common school district number ten, for the school year ending June 30th, 1882; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public.

Accounts in favor of J. M. Fisher, commissioner of common schools for said county, for the sum of seventy dollars and fifty-six cents (\$70.56), on which shall be paid eleven dollars (\$11), balance of unbonded interest due the county aforesaid on its surplus bond, and fifty-nine dollars and fifty-six cents (\$59.56) out of the common school fund for the present school year ending June 30th, 1882.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

## CHAPTER 622.

AN ACT to incorporate the Dix River and Rush Branch Turnpike Road Company, in Lincoln county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Style.

§ 1. That a company may be formed and created a body-politic and corporate, by the name and style of the Dix River and Rush Branch Turnpike Road Company, for the purpose of building a turnpike road of gravel or stone, beginning at a point on the Stanford and Lancaster Turnpike Road, near the Dix River ridge, in Lincoln county, and thence the most direct and practicable route to a point on the Rush Branch Turnpike Road, at or near the lane or dirt road near the old farm of Elijah Bailey, deceased, and now owned by Givens. The books of the company for the subscription of stock shall be opened in Stanford, under the direction and management of the following commissioners: Thos. W. Blackaby, Joseph McClacy, J. F. Rigney, Frederick M. Stone, and Lee Stone.

Capital stock.

§ 2. The capital stock of said company shall be divided into shares of twenty-five dollars each, and shall not exceed the amount necessary to construct said road, and erect proper and suitable toll-houses thereon, and the purchasing land for the erection of said toll-houses; but the capital stock of said company shall not exceed the sum of seven thousand dollars.

County subscription.

§ 3. That the county court of Lincoln county, a majority of the justices concerning therein, may take stock in said road to the extent of seven hundred dollars per mile; and to pay the same may levy a tax on the property of said county subject to taxation as will be sufficient for that purpose.

§ 4. That as soon as two thousand dollars shall be subscribed to said road in good and solvent stock, the commissioners herein shall give ten days' notice, by two insertions in the Stanford paper, of the time and place of meeting of the stockholders for the purpose of electing a president and five directors of said road, a majority of whom shall be competent to transact business, and to do all acts and things necessary in the construction of said road, and the management and control of the fiscal and business affairs of said company, which officers aforesaid and their successors shall be chosen annually, and shall hold their office until their successors are elected and qualified.

§ 5. No person shall be eligible to the office of president or director of said road who is not the owner of at least one share of stock in said road.

Officers—qualifications.

§ 6. The president and directors shall have the power to appoint a treasurer, gate-keepers, and other officers or agents necessary to effect the objects and carry out the provisions of the act of incorporation. Said treasurer and other officers may be required to execute bond for the faithful performance of the duties of their respective offices.

§ 7. That said road shall not be less than thirty feet wide, grade sixteen feet, the metal not less than twelve feet, and shall be graded to an elevation not exceeding four degrees in any part thereof.

§ 8. Said company shall have all the rights and privileges conferred by the general laws of the State upon similar companies for constructing said road, and for procuring the right of way and material for said road, same remedies for a violation of their chartered rights, and the preservation of their property.

§ 9. When the stockholders shall have made full payment of their stock, certificates of stock shall issue therefor, signed by the president and secretary.

§ 10. When said road shall be completed, said company may have toll-gates erected, and toll-gatherer or gatherers appointed or elected by the board of managers, at which toll may be collected; but such toll shall not exceed the rates allowed by law.

Toll-gates.

§ 11. This act shall take effect from and after its passage.

Approved March 29, 1882.

## CHAPTER 623.

AN ACT to amend an act, entitled "An act to incorporate the Oddville and Stony Point Turnpike Road, in Harrison county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the president and directors of the Oddville and Stony Point Turnpike Road, in Harrison county, three fourths thereof concurring, be, and they are hereby, authorized and empowered to borrow a sum of money, not exceeding the sum of seven hundred dollars, for the purpose of paying off the indebtedness of said road due for its construction, purchase of a site for a toll-house, and the erection of a toll-house, and to execute the note of the company for the same; and to provide for the security and final payment of said debt, the said company shall have authority and power to execute a mortgage upon the road belonging to said company, and all of its property and franchises, and to pledge the tolls of said road for the payment of said debt: *Provided*, That nothing in this act shall be so construed as to allow any of the property, franchises, or tolls of said road to be pledged or used in paying said debt, which are necessary or needful to keep the said road in repair.

§ 2. Said mortgage shall be executed in the corporate name, but shall be signed by all of the officers of said road who are in favor of its execution, and it must be signed by three fourths of said officers in order to be binding upon the said company; when signed and acknowledged, it shall be recorded in the county clerk's office, and thereupon become effectual for all the purposes for which mortgages executed by private individuals are effectual; but if the franchises of said company have to be sold to satisfy the debt secured by said mortgage, this act is not to be construed so that the interest of Harrison county in said company can be sold; but only such proportion of the road as the whole of the stock bears to the stock held by Harrison county.

§ 3. The company may bind itself for interest on the money which they are hereby authorized to borrow, at any rate not exceeding eight per cent. per annum, payable semi-annual.

§ 4. This act shall take effect from and after its passage.

Approved March 29, 1882.

CHAPTER 624.

AN ACT for the benefit of John W. Sauner, sheriff of McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of State is hereby directed to extend the time of John W. Sauner, sheriff of McCracken county, for whatever balance he may be owing on his revenue for said county for the year 1881 till the first Monday in October next: *Provided*, That before said relief be granted by said Auditor, said sheriff shall file in his office a written waiver of release, by reason of the extension of time hereby granted to said sheriff by the sureties of said sheriff on his revenue bond for said year, to-wit, 1881, who are residents of the State. That the genuineness of their signatures to said written waiver shall be attested by the county clerk or county judge of said county, who saw said sureties subscribe their names to the original bond of said sheriff for the year 1881.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 29, 1882.

CHAPTER 625.

AN ACT to incorporate the Licking Valley Land and Mining Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That George J. Long, Henry Lynn, Edward C. Hendrick, R. H. Bowman, and C. E. Sears, their successors and assigns, are hereby created a body-politic and corporate, by the name of the Licking Valley Land and Mining Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have a common seal, and alter the same at pleasure; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

Incorporators.

Style.

§ 2. The capital stock of said company shall be divided into shares of one hundred dollars each, and may consist of any number of shares, not exceeding five thousand, that may

Capital stock.

be decided upon by the board of directors of the company, and may be subscribed for by individuals or corporations, upon such terms and conditions as may be stipulated in books of subscription; and the stockholders shall, once in every year, elect five directors, and when so elected, shall elect of their board a president, treasurer, and secretary of the company, who shall continue in office until their successors are elected and qualified; and in cases of vacancy of any of said offices the board of directors shall have power to fill any and all vacancies by appointment; and the president and board of directors may adopt by-laws, in which they shall provide for the transfer of stock and the form of proxies to vote the same at stockholders' meetings, and mode of calling meetings of stockholders, and the transaction of business at such meetings, and amend or repeal the same at pleasure, and shall have the management, government, and control of the property and affairs of the company; and the president and two directors shall be a quorum of the board.

Directors.

Vacancy.

By-laws.

§ 3. The company may purchase, hold, and sell and convey real estate; may sell the timber thereon, or manufacture the same into lumber, into staves, barrels, and wagons, and sell the articles manufactured; may erect sheer and other booms, and charge boomage, and may build railroads and tramways from their lands to rivers and to other lines of railroads; and may operate any mines or mine minerals contained in any lands it may at any time own, and sell the ores and products taken therefrom, and may establish tanneries, and construct all buildings and improvements for conducting and operating the business of tanning hides and the manufacture of leather, and may gather and buy tan-bark, and grind the same into a merchantable article, and transport and sell the same, and may operate mills for sawing and manufacturing lumber, and in grinding and milling all kinds of grain, and to dispose and sell the manufactured articles thereof; and may erect and operate furnaces for the reduction of ores, and sell the products of said furnaces, and in sales made by it, it may receive in payment therefor current money, stocks or bonds of other corporations; or the payment of money due it on any and all sales may be upon time evidenced by bills of exchange or promissory notes, and may secure the payment of debts due it upon sales of its property by reserving a vendor's lien upon the property sold and conveyed by it; and it.

Purposes.

may secure the payment of any debts due it by mortgage and purchase any mortgage property at foreclosure sales; and the company may issue its coupon bonds, and secure the payment thereof by executing one or more mortgages upon its corporate property and franchises to one or more trustees for the common benefit of the holders of bonds, provided said bonds in the aggregate shall not exceed the amount of capital stock herein authorized: *Provided*, That nothing in this charter shall authorize the erection of booms upon the waters of Kentucky or Licking river or their tributaries.

§ 4. The company shall establish its principal office in some town or city in Kentucky to be determined by its board of directors, and the corporators above named may exercise all powers conferred on the corporation and board of directors until a board of directors shall be elected as herein provided. Principal office.

§ 5. This act shall be in force from and after its passage.

Approved March 29, 1882.

#### CHAPTER 626.

**AN ACT** to reduce the number of justices' districts in the city of Louisville, and to lay off said city into, and establish four justices' districts, and to provide for the election of justices and constables, and the appointment of assistant constables therein.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the city of Louisville be, and it is hereby, laid off into four justices' districts, as follows, to-wit: The first district thereof is composed of the first, second, and third wards of said city; the second district thereof is composed of the fourth, fifth, and sixth wards of said city; the third district thereof is composed of the seventh, eighth, and ninth wards of said city; the fourth district thereof is composed of the tenth, eleventh, and twelfth wards of said city.

§ 2. An election for two justices of the peace shall be held in each of said districts on the first Monday in August, 1882, and on the same day every fourth year thereafter, and for a constable in each of said districts on the first Monday in August, 1882, and on the same day every second year thereafter.

§ 3. The terms of office of said justices of the peace and said constables shall commence on the first day of June in the year succeeding their election.

§ 4. Justices of the peace of districts in said city as heretofore established within, or in part within, districts as established by this act, shall, at the expiration of their present term of office, turn over to and deposit with the justices of their respective districts, as established by this act, all public records, books, dockets, papers, documents, and property belonging to their office.

§ 5. All justices' districts in said city, except as herein laid off and established, are hereby abolished, to take effect at the expiration of the present term of office of the present justices of said city.

§ 6. Any justice of the peace of said city failing or refusing to comply with the requirements of section four of this act, shall be guilty of a misdemeanor, and, upon conviction, fined in a sum of not less than twenty nor more than two hundred dollars.

§ 7. Every constable of said city may, by and with the approval of the Jefferson county court, appoint some fit person or persons, not exceeding two in each of said justices' districts, possessing in every respect the same qualifications of a constable, to perform all the duties and acts which may be performed by such constable; and said appointment shall be revoked by said court on motion of said constable. Said constable shall be responsible upon his official bond for the official neglect, misconduct, or other official act of such appointee. Said constable may require such appointee to give to him a bond, with surety, to the same import and effect as the bond required by law of said constable to the Commonwealth; and said appointee and his sureties or surety shall be responsible to said constable upon said bond for the official neglect or misconduct or default of said appointee.

§ 8. The justices' districts laid off and established by this act shall not be altered, changed, increased, or interfered with by the Jefferson county court.

§ 9. All laws and parts of laws in conflict herewith are hereby repealed.

§ 10. This act shall take effect from its passage.

Approved March 29, 1882.



## CHAPTER 627.

AN ACT to amend an act, entitled "An act to incorporate the Poor Ridge and Sugar Creek Turnpike Road Company, in Garrard county," approved May 3d, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the road authorized to be constructed by the act to which this act is an amendment, may commence at any point on the Lancaster and Buckeye Turnpike Road between Mrs. H. C. Jennings' gate, near the toll-gate on said road, and a point near Antioch Church, and running the most practicable route to Leavill's ferry, on the Kentucky river, in the discretion of the board of directors of said Poor Ridge and Sugar Creek Turnpike Road Company; but this amendment shall not preclude the construction of said road along the route described in the original act of incorporation.

§ 2. The capital stock of said company shall not exceed eighteen thousand dollars; and all acts or parts of acts limiting the capital stock of said company at any sum less than eighteen thousand dollars are to that extent hereby repealed.

§ 3. That section one of said act be, and is, amended by adding after the name "John Murphy" the names of "Morgan Hudson and Leander Davidson."

§ 4. This act shall take effect and be in force from its passage.

Approved March 29, 1882.

## CHAPTER 628.

AN ACT to amend the charter of Cynthiana.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the mayor and board of councilmen of the city of Cynthiana be, and they are hereby, authorized and empowered to receive and keep up, at the expense of the city, all streets and parts of streets within its limits that are graded, piked, paved, and curbed, and in good condition.

§ 2. That the said mayor and board of councilmen also be, and they are hereby, authorized and empowered to receive all streets or parts of streets within the limits of the city that may not be graded, piked, paved, and curbed, and in

good repair, at the adoption of this act, so soon thereafter as the same may be graded, piked, paved, and curbed, and put in good repair by the free will of the property-holders thereon, or in obedience to an order of the city council thereof, and to keep the same up at the expense of the city.

§ 3. That no street or part of a street shall be kept up at the expense of the city until the same is graded, piked, paved, and curbed, and in good repair, and received by an order of the city council entered upon its records showing the street or part of the street received, and that it is in good order.

§ 4. This act shall not be in force until after it is accepted by the city council, and shall have been ratified by a majority of the voters voting at a regular election held for the purpose of electing city officers.

Approved March 29, 1882.

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#### CHAPTER 629.

AN ACT to amend an act, entitled "An act revising and amending an act, entitled 'An act to incorporate the town of Prestonsburg,' approved March 9th, 1867, and amendments thereto reducing them into one," approved March 18, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act revising and amending an act, entitled 'An act to incorporate the town of Prestonsburg,' approved March 9th, 1867, and amendments thereto reducing them into one," approved March 18th, 1878, be, and the same is hereby, amended by striking out the words in section eleven of said act, "and shall have exclusive jurisdiction of all penal offenses committed within the limits of said corporation," and by inserting in lieu thereof the following words, to-wit: "and shall have jurisdiction of all penal offenses committed within the corporate limits of said town concurrent with the circuit court, and shall have exclusive jurisdiction of all infractions of the ordinances and by-laws of said town."

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1882.

## CHAPTER 630.

AN ACT to establish the Sulphur Well Collegiate Institute, in Metcalfe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an institution of learning is hereby established at Sulphur Well, Metcalfe county, by the name and the Style.  
 institution shall be under the control and management of J. Trustees.  
 B. Morris, J. C. Muncie, W. H. Grove, B. W. Penick, J. H. Boston, and W. S. Penick, and their successors, as trustees of  
 said institution of learning. If, at any time, a vacancy shall Vacancy.  
 occur by death or otherwise, the other trustees shall appoint a suitable person or persons to fill said vacancy. Said trustees shall have authority to elect one of their number president of their board, and such other officers as they may think proper; they shall have power to employ such professors of learning as they may desire to teach said school; and they may co-operate with the trustees of the common school, and make such arrangement with them as may be of advantage to the institution hereby established; they may hold annual commencements and public examinations of pupils, and may confer upon them such tokens of merit, honorary degrees, and diplomas as is usual, and as are now allowed to be conferred by the best chartered colleges and high schools of learning in this State.

§ 2. That said institution shall receive pupils of both sexes, and of any degree of advancement.

§ 3. That the authority hereby conferred upon the trustees aforesaid shall not, in anywise, interfere with the title or interest of W. H. Groves in the Sulphur Well school property, he being now the owner of said property.

§ 4. That this act shall take effect from and after its passage.

Approved March 29, 1882

## CHAPTER 631.

AN ACT for the benefit of common school district No. 51, school year 1881, Metcalfe county.

WHEREAS, George M. Gumstey taught the common school in district No. 51, Metcalfe county, for the legal term of five

months during the school year ending June 30th, 1881; and whereas, the said common school district No. 51, enrolling fifty-two pupil children on its census for said school year, was not reported by the commissioner of common schools for said county, and consequently the said George M. Gumstey received nothing from the common school fund for teaching the aforesaid school; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Superintendent of Public Instruction is hereby authorized to receive the report of the trustees of district No. 51, Metcalfe county, for the school year ending June 30th, 1881, as if made at time prescribed by law, and if found correct, to draw his warrant on the Auditor of Public Accounts in favor of George M. Gumstey for the pro rata of said common school district for said school year, amounting to the sum of seventy-six dollars and ninety-six cents (\$76.96), or whatever amount may be found to be due, on which shall be paid the entire sum of unbonded interest due the aforesaid county on its surplus bond, amounting to the sum of nineteen dollars and forty cents (\$19.40), and the remaining amount of fifty-seven dollars and fifty-six cents (\$57.56) shall be paid out of the common school fund for the present school year ending June 30th, 1882.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

## CHAPTER 632.

AN ACT to incorporate the Mt. Sterling and Sharpsburg Telephone Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Incorporators.

§ 1. That Chiles, Bean & Co., R. Q. Drake, J. M. Bigstaff, W. F. Dickerson, Reid & Stone, Howe & Barnes, Howe & Cox, Steve Dean & Co., Theodore Stuart, Fitzpatrick & McCormick, Trimble & English, of Mt. Sterling, Montgomery county, Kentucky, and J. K. Nunnally, F. S. Allen, T. J. Knight, J. W. Allen & Co., J. M. Brown, Waller Sharp, C. P. Allen, James McCue, J. W. Elgin, and B. F. Hughart, their associates and successors are hereby created a body-corporate

rate and politic, with power to sue and be sued, to plead and be impleaded, to contract and be contracted with, under the name and style of the "Mt. Sterling and Sharpsburg Telephone Company;" and by that name shall have perpetual succession, with power to adopt and use a common seal; to change the same at pleasure, and to have all the rights of a natural person laboring under no disability, and to have the privilege of erecting, equipping, maintaining, and operating a telephone line between Mt. Sterling, in Montgomery county, and Sharpsburg, in Bath county, and such branch lines to and from said points to other points in said counties or adjoining counties as the company may deem necessary for telephonic purposes.

§ 2. Said company may acquire rights of way for their main or branch lines in the same manner as now provided by law of this Commonwealth for the acquisition of rights of way by turnpike road companies, and may contract with any person or corporation for supplying them with telephonic facilities or the use of telephone instruments.

§ 3. The capital stock of said company shall not exceed five thousand dollars, to be divided into shares of twenty-five dollars each; and said company may commence business and the construction of their telephone line or lines when twenty (20) shares of its capital stock shall have been bona fide taken and subscribed for.

§ 4. The business of said company shall be managed by a board of five directors, to be chosen on the organization of the company under this charter, and annually thereafter on the first Saturday in January in each year, at some place in Mt. Sterling, to be designated by public notice in such manner as the board of directors may deem proper. The board of directors shall choose one of their number president, whose duties shall be those incident to said office, or provided by said board; and the board of directors shall have power to appoint a secretary and treasurer, and such other agents as may be deemed necessary for the interest of the company, and may pay them such compensation as they may think reasonable. Said company may acquire and hold all property, real or personal, necessary to enable it to carry out the provisions of this act or the business contemplated; and by its board of directors said company may make all by-laws, rules and regulations, to carry on its affairs, not inconsistent with

the Constitution and laws of this State or of the United States.

§ 5. This act shall be in force from and after its passage.

Approved March 29, 1882.

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### CHAPTER 633.

AN ACT for the benefit of W. A. Yarbrough, sheriff of Graves county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That W. A. Yarbrough, sheriff of Graves county, has further time until the first day of June, 1882, to make settlement with the Auditor of Public Accounts: *Provided*, The sureties of said sheriff go into open court and assent on the records to said extension.

§ 2. This act to take effect from its passage.

Approved March 29, 1882.

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### CHAPTER 635.

AN ACT to incorporate the Campbellsburg Graded High School Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That D. F. Caplinger, C. T. Scott, James Boyer, Elder Humphries, and R. L. Rickets, and their associates and successors, be, and are hereby, created a body-corporate, under the name of the Campbellsburg Graded High School Company, and shall have power and authority by that name to contract and be contracted with, to sue and be sued, to plead and be impleaded, answer and defend, in all courts and places, and may have and use a common seal, with power to alter or change the same at will.

§ 2. That the capital stock of said company shall not be less than five thousand nor more than fifteen thousand dollars, in shares of twenty-five dollars each.

§ 3. That it shall be lawful for the corporators named in the first section of this act to open books for the subscription of the capital stock named in section second of this act. Any three of said board shall have power to act at all times ; and when the sum of five thousand dollars is subscribed, said corporators shall call an election, and the stockholders shall elect

five trustees as successors of said corporators, with power to elect from their number a president, secretary, and treasurer.

§ 4. At least ten days' notice shall be given of the time and place of holding the first election of the board of trustees; and all future elections shall be held annually on the first Saturday in July. Notice.

§ 5. All stockholders shall be entitled to one vote for each share of stock he or she may own, either in person or by proxy. Voters.

§ 6. The treasurer shall be required to give a good and sufficient bond for the faithful performance of his duties as such. It shall be the duty of said treasurer to receive all moneys, receipt for same, and pay it out on the order of the board of trustees, and signed by the president, taking a receipt therefor; and he shall keep a record, in a well-bound book, of his acts, always open to the inspection of the board; and he shall perform such other duties as directed by the board. Treasurer—bond

§ 7. The secretary shall attend all meetings of the board, keep all records and papers, and perform such other duties as the board may require. Secretary.

§ 8. The board of trustees, immediately after its organization, shall proceed to secure suitable grounds, and have erected on the same suitable buildings for school purposes.

§ 9. The board of trustees shall have power to make such by-laws, rules and regulations, as may be necessary and essential for their government, not to conflict, however, with the several sections of this charter. They shall also have power to employ or discharge teachers or superintendent of said school as their judgment may direct. They shall have power to sell or lease said property; but all such sales or leases shall not be binding in law unless ratified by a two-thirds vote of the actual stock as prescribed in section five; and in no case shall it be conveyed to a church or individual for sectarian purposes, or be diverted from the original design; and in no case shall the majority of the board of trustees elected be members of any one denomination of Christians. By-laws.

§ 10. The board of trustees shall have power to confer upon graduates of the institution such diplomas, honors, and degrees, as evidence of scholarship, as are usual in schools and colleges of like standing in this Commonwealth. Diplomas.

Vacancies. § 11. The board of trustees shall have power to fill all vacancies arising from death, removal, resignation, or otherwise, that may occur in said board.

§ 12. The individual property of the stockholders shall not be subject to the liabilities of this corporation.

§ 13. This act shall take effect from and after its passage.

Approved March 29, 1882.

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### CHAPTER 636.

AN ACT for the benefit of James Graves, of Todd county.

WHEREAS, Louis Sublett was indicted in the Todd circuit court upon a charge of mule-stealing, and required to give bail; and whereas, James Graves deposited in said court, with the trustee of the jury fund, for said Sublett, and in lieu of bail, two hundred and fifty dollars; and whereas, from some unknown cause said Sublett failed to appear in said court at its next term, when an order was made forfeiting said bail; and whereas, it is made to appear that the owner of the lost mule has found him, and that one Browder, the thief who stole him, has been sent to the Tennessee penitentiary, where he is now confined, and the Governor of this Commonwealth has remitted said forfeiture; but whereas, doubts exist as to the authority of said trustee of the jury fund to pay over said money to said Graves; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the trustee of the jury fund of Todd county be, and he is authorized, to pay over to James Graves, or his authorized agent, the two hundred and fifty dollars which was deposited in the Todd circuit court by him as and in lieu of bail for Louis Sublett.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.



## CHAPTER 637.

AN ACT to provide for redistricting Butler county into five justices' districts, and to establish voting places therein, and to provide for the election of justices of the peace and constable therein.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Butler county be, and is hereby, authorized and directed to appoint three commissioners, who must each be a voter of said county, to divide said county into five justices' districts.

§ 2. Said commissioners shall, before entering upon the discharge of their duties, be each duly sworn to faithfully discharge their duties under this act; and shall divide said county into five justices' districts, and fix as many voting precincts in each justices' district as may be necessary. They shall fix and describe the boundary of each justices' district, and of each voting precinct therein, and establish a place at which the election in each precinct shall be held; and shall make out a full written report of all their acts and doings in the premises, and return same to the Butler county court, which report shall be subject to amendment, modification, or change by the court; and when confirmed, either with or without amendment, modification, or change, shall be ordered to record and be recorded at length on the order-book of said court.

§ 3. No election for justices of the peace or constable shall be held in said county of Butler at the August election, 1882; but a poll shall be opened at each voting precinct, as established under this act, on the first Saturday in May, 1883, for the purpose of electing two justices of the peace and one constable for each justices' district as therein established.

§ 4. All elections held in said county of Butler during the year 1882 shall be held at the precincts as now established.

§ 5. The commissioners and officers of court shall be allowed reasonable compensation for their services rendered under this act, which shall be allowed by the Butler county court of claims and paid as other county claims.

§ 6. This act shall take effect from and after its passage.

Approved March 29, 1882.

## CHAPTER 638.

AN ACT for the benefit of John J. Withrow, of Metcalfe county, committee of Ann P. Kidwell, a pauper lunatic of said county.

WHEREAS, John J. Withrow, as committee, and acting under an order of the Metcalfe county court, conveyed Ann P. Kidwell, a pauper lunatic, to and from the Anchorage Lunatic Asylum, and paid the expenses of said conveyances out of his own money and means; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the said John J. Withrow be allowed forty-two dollars and eighty-cents for expenses paid out by him in conveying the said pauper lunatic to and from the aforesaid asylum; and the Auditor of Public Accounts is hereby directed to draw his order on the Treasury for said sum, to be paid to the said Withrow out of any money not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1882.

## CHAPTER 639.

AN ACT to amend the charter of the town of Catlettsburg.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the board of trustees of the town of Catlettsburg be, and they are hereby, authorized to tax the sale of malt liquors by the small in the town of Catlettsburg a sum not exceeding one hundred and fifty dollars annually, and for the sale by the small of spirituous, vinous, and malt liquors a tax of three hundred dollars annually.

§ 2. That all persons, before selling either spirituous, vinous, or malt liquors in the town of Catlettsburg, shall execute, with solvent sureties, a bond before the board of trustees of said town to the Commonwealth of Kentucky in the sum of two thousand dollars (\$2,000), conditioned that said person so engaged in the sale of spirituous, vinous, or malt liquors will keep an orderly house, and in all respects comply with the general laws of this Commonwealth regulating the sale of spirituous, vinous, or malt liquors, and will comply with such ordinances of said town as may now exist or may hereafter

be adopted by the board of trustees of said town; and for a breach of any of the conditions of said bond, the party or parties guilty thereof may be fined in any sum not exceeding two hundred and fifty (\$250) dollars, in addition to the penalties now fixed by law. The penalties to be fixed by the board of trustees, and can be recovered by indictment in the circuit court for the county of Boyd, or by warrant before the police judge of the town of Catlettsburg.

§ 3. That all acts or parts of acts relating to the town of Catlettsburg in conflict with this act are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved March 29, 1882.

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#### CHAPTER 641.

AN ACT to amend an act, entitled "An act to incorporate the Louisville, Harrodsburg and Virginia Railroad."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all subscriptions for the capital stock of the Louisville, Harrodsburg and Virginia Railroad, made prior to the first day of January, 1882, by any city, county, town, or precinct in this State, are hereby declared null and void, and said Louisville, Harrodsburg and Virginia Railroad Company shall not maintain any action at law or in equity in any of the courts of this Commonwealth to recover upon or to enforce any such subscription made as aforesaid by any city, county, town, or precinct prior to January 1st, 1882, as aforesaid; and all cities, counties, towns, or precincts are hereby released from any liability for any such subscriptions.

§ 2. The following words of section two of said act, to-wit: "As soon as ten thousand (10,000) shares of the capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the Louisville, Harrodsburg, and Virginia Railroad Company," be, and the same are hereby, stricken out of said act, and the following words are hereby enacted and substituted in their place and stead, to-wit: "As soon as one thousand shares of the capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and are hereby declared to be, incorporated into a company, by the name of the Louis-

ville, Harrodsburg and Virginia Railroad Company:" *Provided, however,* That all other parts of said act shall be and remain in full force, except that where the words "ten thousand shares" are used, "one thousand shares" are hereby substituted.

§ 3. This shall take effect from and after its passage.

Approved March 29, 1882.

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## CHAPTER 642.

AN ACT to incorporate the Democrat Printing Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That W. C. Holt, James W. Chowning, A. F. Aulick, Augustus Lively, and J. J. Brann, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Democrat Printing Company;" and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued; have a common seal, and alter same at pleasure; and make all the necessary by-laws and regulations for the government of said company, not inconsistent with the Constitution and laws of the State of Kentucky or of the United States or this act.

§ 2. The capital stock of said company shall be a sum not exceeding five thousand dollars, and shall be divided into shares of ten dollars each; and each share of stock shall entitle the holder (who has paid all calls on his stock to date) to one vote, which he may cast in person or by proxy, in writing filed with the secretary.

§ 3. The business of said company shall be to print and publish a newspaper or newspapers at the town of Falmouth, Kentucky, and to carry on a general printing and publishing business in said town; and they shall have the power to acquire and hold such property, real and personal, as may be necessary and suitable in the convenient prosecution of said business, and to sell and convey the same at pleasure.

§ 4. Books shall be kept open for the subscription of stock in said company at the secretary's office, and such other places as the corporators above named, or board of directors, when elected, may think proper; and whenever, in the judgment of the corporators, a sufficient amount of stock shall

have been subscribed, they shall call a meeting of the stockholders for the election of officers, and the officers who may be then elected by the stockholders, or appointed by those elected, shall continue in office to the first Tuesday in January next thereafter, or until their successors are elected.

§ 5 The officers of said company shall be a board of five directors, who shall have full power to conduct the business and manage the affairs of said company, and who shall select from their number a president, which officers, after the first election, shall be elected annually by the stockholders (and in electing directors a majority of the votes cast by the cumulative system shall be necessary to elect) on the first Tuesday in January, at the office of said printing company in Falmouth, and continue in office one year, and until their successors are elected; and any vacancy occurring during the year in said board shall be filled by the board, the person selected by them to fill such vacancy continuing in office till the end of the current year. In addition, there shall be elected by said board a secretary, treasurer, and such other officers or agents as may, from time to time, in their judgment, be necessary and proper in the management of the business of the company; and said board shall have power to remove said secretary, treasurer, and other officers and agents appointed by them at any time for just cause.

§ 6. The board shall require of its treasurer a bond, with good security, stipulating a faithful discharge of the duties of the office; and such bond shall be fully obligatory upon such officer and his sureties; and in like manner, and upon the same conditions, the board may require bond, with good security, of any other officers or agents appointed by it; and such bond shall be fully obligatory upon such officers, agents, and their sureties.

§ 7. The stock in said company shall be transferable in such manner as may be prescribed in the by-laws; and dividends of profits therein shall be made whenever, in the opinion of the board, the same may be proper.

§ 8. That subscriptions heretofore made for the purpose of organizing said company shall be valid subscriptions to the capital stock thereof.

§ 9. That no one shall be eligible as director, president, secretary, or treasurer of said company except a bona fide

stockholder who has paid all calls on his stock at the date of his election.

§ 10. That in case of a failure, from any cause, to hold an election for the election of a board of directors at the time herein provided, an election for that purpose may be held at any time on notice by publication in two numbers of the company's paper, or any other paper published in Falmouth, or by printed notices posted at the post-office in Falmouth and three other post-offices in Pendleton county. This notice may be given by the president of the company or the owner or owners of not less than twenty shares of stock.

§ 11. That rules and by-laws for government of said company, its officers and business, adopted by the board of directors, shall be submitted to the stockholders for ratification at their annual meeting.

§ 12. The president, secretary, and treasurer shall each make a full report of the business transactions of the company for the year preceding within the scope of their authority and duties, respectively, to the stockholders at their regular meeting for the election of a board of directors, before the election takes place; and the board of directors shall cause full record of all their proceedings to be kept by their secretary in a well bound book, which shall be open for inspection by any stockholder at all times; and no debt or debts aggregating more than one thousand dollars shall be contracted at any one time; and no agent, employe, or officer shall have power or authority to contract for the company any debt, unless specially authorized so to do by an order of the board of directors, duly entered on their record-book; but the board may appoint two of its number an executive committee, with discretionary power to contract for material, labor, &c., necessary in the ordinary conduct of the company's business.

§ 13. This act shall take effect from and after its passage.

Approved March 29, 1882.

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#### CHAPTER 643.

AN ACT for the benefit of John W. Kouns, sheriff of Greenup county.

WHEREAS, John W. Kouns, sheriff of Greenup county, failed to give his bond as collector of the State revenue and

county levy upon the first Monday in January, 1882, as required by law, but did, upon the fifth day of January of said year, execute the same; and whereas, doubts exist as to the validity of said bond; for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That said John W. Kouns have until the first Monday in May, 1882, to execute his said bond, and if executed upon or before that time, the same shall be as valid and binding as though it had been executed upon the said first Monday in January, 1882.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

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#### CHAPTER 644.

AN ACT to revise and reduce into one the charter and various amendments thereto of the town of Hazel Green, in Wolfe county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all acts and parts of acts incorporating the town of Hazel Green, in Wolfe county, and all acts and parts of acts amendatory thereto, be, and the same are hereby, repealed.

§ 2 That the boundaries of the town of Hazel Green, in Wolfe county, shall be as follows, to-wit: beginning on a willow tree, on the bank of Red river, at the lower edge of the ford; thence up the river with the top of the bank to the mouth of the second drain; thence a straight line to a red sulphur spring in a deep ravine; thence up said ravine, with its meanders, to the top of the backbone or ridge above the Abner cabin; thence with the said divide to the county line; thence with the said county line to the point or ridge that runs down back of W. P. Trimble's barn down to the end of the point on top; thence a line to the sulphur spring above the school-house, so as to include the Robinson house, and also said spring; thence a straight line to the back corner of Joshua Finch's lot; thence with said Finch's line to the State road; thence a straight line to the corner of J. T. Day's and M. E. Turner's land, known as the white oak corner; thence with said Day's line to the top of the river bank; thence up

the said bank with said river to the beginning; and the same is hereby declared to be the extent and limits of Hazel Green, and the inhabitants thereof are hereby created a body-politic and corporate, by the name and style of the town of Hazel Green; and by that name may have perpetual succession, with power to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts at law or in equity; may purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation, and may lease, sell, or otherwise dispose of the same.

§ 3. That the fiscal, prudential, and municipal government of said town shall be vested in the board of trustees, composed of four persons and a police judge, who shall be *ex officio* chairman of said board.

§ 4. That said board of trustees and their successors shall be a body-politic and corporate, and shall be known and called the board of trustees of Hazel Green; and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended in all courts and places, and do all other acts, matters, and things which a body-politic and corporate having perpetual succession may lawfully do within the limits of the powers herein granted.

§ 5. That the officers of said town shall be as follows: a police judge, an attorney, a clerk, a treasurer, a marshal, an assessor, and such other officers as the board of trustees may from time to time direct or appoint.

§ 6. That an election shall be held biennially in said town, on the first Saturday in May, at such place as the board of trustees may designate, and of which ten days' previous notice shall be given, by notice posted at three public places in said town by the clerk.

§ 7. That at the biennial election there shall be elected by the qualified voters of said town four trustees, a police judge, and a marshal, and the person or persons receiving the highest number of votes for either of said offices shall be declared elected.

§ 8. That the officers elected under the provisions of this act shall respectively hold their offices for two years, and until their successors are elected and qualified. All other



officers not specifically provided for in this act may be appointed by the board of trustees, who shall hold their offices during the pleasure of the board of trustees.

§ 9. No person shall be eligible to any office in said town who is not a citizen thereof, and who has not, at the time of his election or appointment, resided in said town at least six months previous to such election or appointment, and who, at the time, is not a qualified voter under the laws of the State.

§ 10. That every person elected or appointed to office under the provisions of this act, before entering upon the duties thereof, shall be sworn by some officer authorized to administer oaths to well and faithfully perform the duties of his office, the taking of which shall be noted on the records by the clerk.

§ 11. That whenever a vacancy shall occur by death, removal, resignation, or otherwise, in any office under the provisions of this act, the board of trustees may fill said vacancy by appointment until the next annual election, and until their successors have been qualified.

§ 12. That the board of trustees shall, before the annual election, appoint suitable persons as officers of election, who shall be governed in their duties, so far as is consistent herewith, by the laws of the State.

§ 13. That all elections by the qualified voters of the town shall be held between the hours of nine o'clock in the forenoon, and five o'clock in the afternoon.

§ 14. That all male residents of said town over the age of twenty-one years, who shall at the time of offering to vote have resided in said town sixty days previous thereto, and are qualified voters of this Commonwealth, shall be entitled to vote at any election held in said town.

§ 15. That the poll-books of all elections held in said town shall be returned to the clerk under seal, who shall, at the next regular meeting of the board of trustees, and in the presence of said board, examine and compare the same, declare the result, and certify to the Secretary of State the name of the person elected to the office of police judge, and the Governor shall commission said officer.

§ 16. That the clerk shall keep a record of the proceedings of the board of trustees, whose meetings he shall attend; and copies of all papers duly filed in his office, and transcripts

from the records of his office certified by him, shall be evidence in all courts. He shall issue licenses, and do and perform all other acts and duties that the board of trustees may lawfully require of him.

§ 17. That the treasurer shall receive all money belonging to the town, and keep an accurate account of receipts and expenditures. He shall pay out no money in his hands as such treasurer except by order of the board of trustees. He shall exhibit to the board of trustees once a year, and oftener if required, a full and detailed account of all receipts and expenditures from the date of the last settlement, which account shall be filed by the clerk in his office.

§ 18. That it shall be the duty of the marshal, before entering upon the duties of his office, and within ten days after his election, to execute a bond, with approved security, in the county court, with covenants and conditions similar to a constable's bond, and in the same manner that constables are required to do. He shall attend all sessions of the police court, and give the town attorney notice of any proceeding in said court to which it is the attorney's duty to attend. The marshal shall execute and make due return of all process, civil or criminal, to him directed by the police court or judge, county judge or court, or any justice of the peace of Wolfe county. He shall possess the power and authority of a constable under the laws of this Commonwealth; and his powers for discharging his duties shall be co-extensive with Wolfe county. He shall be entitled to the same fees allowed by law to sheriffs and constables for similar services, to be collected in the same manner; for other services he shall receive such fees and compensation as the board of trustees may prescribe by ordinance or by-law. He shall collect all executions and other demands placed in his hands for collection, and pay the same over to the person or persons entitled to receive the same. He shall be liable in the same way and manner, and in the same cases, as sheriffs and constables are, and be sued or prosecuted in the same manner. The marshal shall be *ex officio* collector of the town taxes, and shall collect all taxes and assessments which may be levied by the board of trustees; and for that purpose shall have all the power to levy, distrain, and sell for taxes, fines, assessments, or forfeitures, or other dues of the board of trustees, that sheriffs have in the collection of revenue; and shall have the

same compensation, or any additional compensation the board of trustees may allow ; and upon his failure to collect and pay over he and his sureties shall be liable in the same manner, and proceeded against in the same way, that sheriffs and constables are proceeded against in this Commonwealth. The marshal shall have power to sell any real estate to pay town tax or assessment against its owner in the same manner, and on the same terms, that sheriffs have to sell for State revenue, when he can find no personal property out of which the taxes or assessments due can be made. The owner of such real estate, his representatives, heirs, or assigns shall have the right to redeem the same, in the same manner, in the same time, and on the same terms, as real estate sold by sheriffs for revenue. The marshal shall give the purchaser a certificate of sale, containing a description of the real estate, time of sale, quantity sold, and price for which it sold, which certificate shall be filed with the county clerk, and recorded by him as he is required to do when land is sold by the sheriff for revenue, and the clerk shall be entitled to the same fees for similar services. It shall be the duty of the marshal to arrest all persons who may at any time be guilty of a violation of the ordinances or by-laws of the town, respecting the good order, peace, and tranquility of said town, or any of its inhabitants; and when necessary to quell riots, routs, or breaches of the peace, he may summon all the male inhabitants of the town of Hazel Green or of the county of Wolfe; and any person who shall, on being summoned by the marshal, refuse to obey him, or render assistance, shall be fined in any sum not more than ten dollars for each offense, recoverable in the police court. He may at all times arrest drunk or disorderly persons; and he may commit to the town jail any person who may be found in said town drunk, and confine him or her in jail until morning; but he shall bring such person before the police judge, or, in his absence, before the county judge, or any justice of the peace, before ten o'clock the next morning; if no one appears against such person, he or she shall be discharged; or if none of the officers aforesaid be found, the marshal shall discharge such person.

§ 19. That the police judge shall, after his election, and within ten days after he receives his commission from the Governor, enter into bond, with approved security, in the

Wolfe county court, and take the oaths prescribed by the Constitution and laws of this Commonwealth.

§ 20. That there is hereby established in said town a court to be styled the Hazel Green police court, which shall be held by one judge, to be styled the judge of the Hazel Green police court, who shall be elected as hereinbefore provided.

§ 21. That the Hazel Green police court shall have exclusive jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, and concurrent jurisdiction with other courts of Wolfe county of prosecutions for riots, routs, breaches of the peace, and other misdemeanors committed within said county, where the penalty imposed by law does not exceed one hundred dollars fine and fifty days imprisonment. Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before it to appear and answer the same, and the same power to declare the same forfeited, and pronounce judgment thereon, and to enforce full compliance therewith, as circuit courts have.

§ 22. That said court shall have power to issue warrants and other process in the name of the Commonwealth, to compel the attendance of witnesses, to enter judgment and award, and to issue writs for the purpose of enforcing its orders and judgments to the same extent, and in as full a manner, as other courts of this Commonwealth of like jurisdiction.

§ 23. That said court shall have jurisdiction concurrent with justices of the peace of Wolfe county in civil cases within the magisterial district in which said town is situated; and the police judge shall have power to grant orders of attachment, injunctions, and restraining orders, orders of delivery, writs of *habeas corpus*, distress warrants, and warrants in forcible entry and detainer cases, under the same circumstances and under the same rules and regulations as justices of the peace or judges of courts with like jurisdiction and powers.

§ 24. That the police judge shall be a conservator of the peace, and shall have the power to take recognizances to keep the peace, the power of one justice of the peace in holding examining courts, to issue subpoenas for witnesses, and to order the marshal to summon juries, and do other acts and things necessary and proper to carry into full and complete

effect the powers and jurisdiction conferred on said judge and said court.

§ 25. That the police court shall be held at such place as the board of trustees shall designate, or they failing to designate and provide a suitable place, at such place as the judge may select in said town.

§ 26. That said court shall be open at all times for the trial of criminal and penal causes within its jurisdiction; and the terms for the trial of civil causes shall be held quarterly, at such times as may be fixed by the Wolfe county court.

§ 27. That said court shall be a court of record, and the judge thereof shall act as clerk; and copies of the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth.

§ 28. That the judge of said police court shall have full power and authority to try all cases, and fix the penalty where the only punishment is twenty dollars or less, without the intervention of a jury.

§ 29. That all process from said police court shall be in the name of the Commonwealth of Kentucky, and may be directed to the marshal or any constable, sheriff, jailer, coroner, or policeman; and the person executing the process of said court shall be entitled to the same fees for like services, and to the like remedies for the collection thereof, as the constables of this Commonwealth, and subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

§ 30. That all fines and forfeitures recovered in said court are hereby granted to said town, and shall be collected by the marshal or other officers to whom execution or *capias pro fine* is directed, and paid by him to the town treasurer.

§ 31. That upon all judgments for fines rendered by said court, and which shall not be paid, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, commanding the imprisonment of the defendant in the jail or work-house of the town or county until the same shall be paid; but the imprisonment shall not exceed one day for each dollar of such fine: *Provided*, That said court, in its discretion, may assign such defendant so fined to hard labor on the streets or alleys of said town, or on some public building in or belonging to said town, or at some other labor for the benefit of said town, until he shall pay his fine and costs

adjudged against him, allowing for his labor at the rate of one dollar per day; such defendant shall not be required to labor more than eight hours in any one day, and when not at labor such defendant shall be confined as provided in this section; and for the purpose of putting him in jail or the work-house, and taking him out to labor, a certified copy of the order assigning him to work shall be sufficient authority to the marshal, jailer, or keeper of the work-house; all persons sentenced to imprisonment by the judgment of said court may be assigned to labor in like manner as those fined.

§ 32. That appeals from the judgments and decisions of said police court shall lie to the Wolfe quarterly or circuit court, the same as appeals from the judgments of justices of the peace to said courts.

§ 33. That the fees of the police judge shall be the same in all cases as are now or may hereafter be allowed to justices of the peace for like services.

§ 34. The board of trustees shall hold stated meetings, and the chairman, or in his absence the town clerk, may call meetings by notice (oral or written) to each of the members. A majority of the members elected as trustees shall constitute a quorum.

§ 35. That the board of trustees shall have power to make, ordain, and publish all such ordinances, by-laws, police and sanitary regulations, not contrary to the Constitution of this Commonwealth, for the good government of said town, and to promote the health, security, trade, and commerce thereof, and that may be necessary or expedient to carry into effect the powers vested in the board of trustees, or any officer of said town by this act, and to amend or repeal the same, and to enforce the observance of all ordinances, by-laws, and regulations made in pursuance of this act by penalties not to exceed one hundred dollars, fine and fifty days' imprisonment for any offense against the same.

§ 36. That the board of trustees shall have the management and control of the finances and all the property, real or personal, belonging to the corporation, and shall have the power to provide for the erection, repair, maintenance, and government of all public buildings for the town, and to provide for inclosing and improving all public grounds belonging

to the town; and within the jurisdiction of said town shall have power by ordinance or by-law—

*First.* To prohibit all descriptions of gambling, fraudulent devices, playing at cards, dice, or other games of chance, whereat any thing of value is won or lost.

*Second.* To license, tax, regulate, or prohibit billiard tables, nine or ten-pin alleys, ball-alleys, or shooting galleries.

*Third.* To license, tax, regulate, or prohibit all concerts, exhibitions, shows, circuses, caravans, theatrical performances and amusements.

*Fourth.* To prevent and suppress tumults, riots, routs, and breaches of the peace, noises, disturbances, or disorderly assemblages.

*Fifth.* To restrain or suppress disorderly houses, groceries, saloons, halls, and houses of ill-fame.

*Sixth.* To restrain, suppress, and punish indecent, obscene, or profane language, conduct, or exhibitions, and restrain and punish vagrants and prostitutes.

*Seventh.* To restrain, regulate, or prohibit the running at large of horses, swine, and other animals, and authorize the distraining, impounding, and sale of the same for the penalty incurred and costs of the proceedings, and to impose penalties on the owners thereof for permitting them to run at large.

*Eighth.* To prohibit the running at large of dogs, and authorize the destruction of the same when found at large contrary to by-laws or ordinance, and to impose penalties on the owners thereof for permitting them to run at large.

*Ninth.* To appoint watchmen or policemen, and prescribe their duties, powers, and pay.

*Tenth.* To establish and maintain a jail or watch-house, a hospital or pest-house, an engine-house, work-house, poor-house, and market-house, and make rules and regulations for the government thereof, and appoint officers for the conduct and management of the same.

*Eleventh.* To authorize the clerk to grant and issue license, and direct the time and manner of issuing and registering thereof, and fix the fees to be paid therefor; but no license shall be granted for more than one year, and the fee for issuing the same shall not exceed fifty cents.

*Twelfth.* To license, tax, and regulate auction sales, peddlers; to declare what are nuisances, and provide for the abatement thereof, and impose penalties for the creation or maintenance of the same.

*Thirteenth.* To license, tax, and regulate, within said town, and within one mile thereof, innkeepers, hotel or tavern-keepers, saloon or coffee-house keepers, grocers, merchants, druggists, and keepers of other places, for selling spirituous, vinous or malt liquors, and to restrain all such persons from selling without license.

*Fourteenth.* That the board of trustees shall have exclusive power to grant all license for which provision is made by this act; but such license shall not excuse the person obtaining it from paying to the State any tax, and procuring from the county court or clerk thereof any license now required by law. That the amount to be paid for license to sell spirituous, vinous, or malt liquors in any hotel, inn, tavern, coffee-house, or saloon by the drink, for the period of one year, shall not be less than fifty or more than two hundred dollars; and the amount to be paid for any other license authorized by this act shall be fixed by the board of trustees. Before any person shall have the right to sell spirituous, vinous, or malt liquors within said town, or within one mile thereof, he shall present to the treasurer of said town a certified copy of the order of the board of trustees granting him license, and lodge the same with him, and pay him the amount charged therefor, as fixed by ordinance or by-law. If any person shall sell spirituous, vinous, or malt liquors within said limits without first having complied with the provisions of this section, he shall be deemed guilty of retailing liquors without license, or keeping a tippling-house, as the case may be, under the General Statutes, and shall be subject to indictment in the Wolfe circuit court, and fined as provided in the General Statutes for the commission of said offenses.

*Fifteenth.* To make and receive all conveyances relating to said town; to take, receive, and hold any estate, real or personal, for the use, benefit, or ornament of said town, by purchase, devise, or bequest.

*Sixteenth.* To annually levy and collect taxes not exceeding twenty-five cents on each one hundred dollars' worth of all the taxable property in said town, including everything subject to taxation by the State for revenue purposes, and a head



or poll-tax upon every male inhabitant of said town, over the age of twenty-one years, of not exceeding one dollar and fifty cents; and a tax not exceeding one dollar on each dog that any person may keep, or suffer, or permit to be kept on his or her premises.

§ 37. That all taxes and assessments levied or assessed by the board of trustees under this act shall be a lien upon the real or personal estate upon which the same may be imposed, voted, or assessed, until the same is paid; and no sale or transfer of real or personal estate shall affect the lien thereon: *Provided*, Said lien shall not exist for more than two years.

§ 38. That the board of trustees shall have authority and control over the streets, sidewalks, and alleys now in said town, or which may be opened or laid out hereafter, with full power to grade, pave, gravel, construct, repair, protect, and ornament the same, as they may deem most convenient and beneficial to said town.

§ 39. That whenever, in the opinion of a majority of the board of trustees, the public convenience may require it, the said board may, at any regular meeting, require any street, alley, road, or highway to be opened, laid out, extended, changed, straightened, or altered, first obtaining the consent of the owners of the land through or over which said street, alley, highway, or road may run, either by purchase, donation, or by writ of *ad quod damnum*; and if the right of way cannot be obtained by purchase or donation, said trustees shall have the right to have the same condemned according to the provisions of the General Statutes for the condemnation of land for public roads.

§ 40. That it shall be the duty of the board of trustees at all times to keep the streets and alleys in good order and condition, and clear of all obstructions; and for every failure to do so, as well as for every willful failure to efficiently exercise the powers herein conferred upon them, to promote the good, order, health, safety, and prosperity of said town and its inhabitants, they shall, for each offense, upon indictment and conviction in the Wolfe circuit court, forfeit and pay for the use of said town not less than ten nor more than fifty dollars; and such fine shall be paid by the members out of their individual estates, share and share alike.

§ 41. That the owners in front of or upon whose premises the board of trustees shall order and direct curbing or sidewalks to be constructed, repaired, or relaid, shall make, repair, or relay such curbing or sidewalks at their own cost and expense, and in the manner, with the material, and within the time prescribed by said board of trustees, by ordinance or order duly entered on their records; and if not done in the manner, with the material, and within the time prescribed, the board of trustees may cause the same to be constructed, repaired, or relaid, and assess the expense thereof and collect the same by warrant and sale of the premises as in case of taxes. A suit may also be maintained by the board of trustees against such owner or owners for the expense of said improvement: *Provided*, That no person shall be required to make a sidewalk in front of his or her premises until the street in front of such premises has been graveled or macadamized at the expense of the town.

§ 42. The said board of trustees shall appoint a superintendent of the streets and alleys of said town. Said superintendent shall be a sober, discreet person. His duties shall be to watch over and see that the streets and alleys are in good and safe condition, report any breaks or defects to the board, and repair or improve them as ordered by the board. They shall agree with him as to his wages, and may remove him at any time, and put another in his stead. The marshal shall be eligible to the position, and shall always have the preference in appointment when his qualifications are sufficient. Said superintendent shall have the power to call out all male citizens of said town who are now required to work on the public roads in the county, to assist him in working the streets and alleys, at any time he may deem it necessary. He shall superintend the work, and shall give them the same notice of the time of such work as is now required by the laws of the State; and any person subject to work, and failing to do so, when legally notified, shall be subject to the same penalties now prescribed by the State laws, recoverable on warrant before the police judge. Should any person subject to work under this section prefer, when called out, to pay sixty cents per day in lieu thereof, he may deposit the same with the superintendent, and be relieved from such time; and said superintendent shall pay said sum of money to the treasurer, and take his receipt therefor: *Pro-*

vided, That all persons required to work the streets under this section shall be exempted from working on the public roads of the county outside of the corporate limits of said town.

§ 43. That D. S. Godsey, J. A. Adams, J. T. Pieratt, and H. C. Herndon, are hereby appointed trustees, and J. M. Kash police judge of said town, to remain in office until their successors are elected and qualified.

§ 44. That this act shall be in force from and after its passage.

Approved March 29, 1882.

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#### CHAPTER 645.

AN ACT to incorporate the Jellico Mountain Coal and Coke, Mining, and Transportation Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Samuel L. Wooldridge, B. R. Hutchcraft, Phil. C. Kidd, James W. Fox, and their associates, successors, and assigns, be, and they are hereby, created and constituted a body-corporate and politic, by the name and style of the Jellico Mountain Coal and Coke, Mining, and Transportation Company; and by that name and style shall have perpetual succession, with power to make contracts, sue and be sued in all courts and places; to own property, both real and personal; to have a common seal, and the same to change or alter at pleasure; to engage in mining coal, iron, or other material, and cutting, sawing, and taking the bark off timber, and preparing such materials, articles, timber, and bark for market, and transporting and selling them within and without this State, and to do other acts and have all other powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.

§ 2. The officers of said corporation shall consist of a president, vice president, secretary, and treasurer, and a board of five directors, who shall conduct and manage the business and affairs of said corporation. They shall be elected by the stockholders on the first Tuesday in May, 1882, and on that day each year thereafter; they shall hold their office for one year, or until their successors are duly elected. An election

may be held upon any day after the day fixed herein, upon ten days' notice to the stockholders by mail, and vacancies may be filled in the same manner by a like notice. The president and vice president shall be elected from the five directors; the secretary and treasurer may be elected from the stockholders; the board of directors shall have power and authority to hire and employ such agents, servants, or persons as they may deem necessary, and fix their duties, wages, and compensation, and said board may require bond and security from any and all officers, agents, and servants for the faithful performance of their duties; said board shall have power to make such by-laws, rules and regulations, as they may deem necessary from time to time for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of this State or the United States.

§ 3. The capital stock of said company shall be three hundred thousand dollars, in shares of one hundred dollars each, for which said company, when the stock is paid for, shall deliver a certificate to the stockholder, signed by the president, countersigned by the secretary, and impressed with the seal of the corporation. The stock shall only be transferable upon the books of the corporation and the surrender of the old certificate, for which a new certificate shall be issued and delivered to the person entitled to same.

§ 4. Said company may buy, lease, or rent any suitable lands, timber, or mineral lands, mines, mining privileges, rights of way, saw-mills, and other manufacturing machinery, and other property and rights, such as they may deem necessary, and may dispose of the same, or any portion of the same, by sale. They may receive real estate, mining rights, the right to take timber, and rights of way, upon such terms as they may deem advisable, and may receive them in payment of part of subscription to the capital stock; if it is deemed advisable, as to their real and personal property, said corporation shall have and possess the same power and authority to sell, dispose, or encumber the same as private individuals now have and enjoy.

§ 5. Said corporation may construct tramways, railways, or railroads, and operate the same from its mines or other works to any other railroad or highway within five miles of its mines or business; and it may make any contract or agree-

ment with any railroad company with which they may connect for the use of their railroad, or such parts as may be necessary; and if, for the purpose of constructing its roads aforesaid, it shall be necessary to pass over the lands of others, and it cannot agree with such person on the amount of compensation to be paid for same, then this company may condemn the same for its use in the mode provided by the General Statutes of Kentucky for public roads; but the amount condemned shall not exceed sixty feet in width.

§ 6. The principal place of business of said company shall be at Lexington, Fayette county, Kentucky; and the private property of the stockholders in said corporation is exempt from payment or liability for corporate debts.

§ 7. The company may organize and commence business whenever twenty-five thousand dollars of the stock shall be subscribed; and the stock subscribed shall be due and payable in such installments and at such time as the board of directors may determine, not, however, to exceed twenty-five per cent. every thirty days.

§ 8. This act shall take effect from and after its passage.

Approved March 29, 1882.

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#### CHAPTER 646.

AN ACT for the benefit of Reben Payne, late sheriff of Russell county.

WHEREAS, Reben Payne was sheriff of Russell county for the years 1871, 1872, 1873, 1874, 1877, 1878, and 1879, and now has a large amount of uncollected county levy and State revenue tax for said years, and a large amount of fee-bills for said years, yet uncollected and now due him; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Reben Payne, late sheriff of Russell county for the years 1871, 1872, 1873, 1874, 1877, 1878, and 1879, be allowed the further time of five years to collect all the uncollected taxes and fee-bills now due him for said years, and he may collect the same by distraint as now authorized by law.

§ 2. This act shall take effect from its passage.

Approved March 29, 1882.

## CHAPTER 647.

AN ACT to establish an additional voting place in district No. 2, or what is known as Clark's River district, in McCracken county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an additional voting place is hereby established in district No. 2, or what is known as Clark's River district, in McCracken county, at J. C. Farley's store, in Mechanicsburg, in said county.

§ 2. That the additional voting place in said district shall be at J. C. Farley's store as aforesaid, unless from some cause the election cannot be held there, then, and in that event, the judges of the election may select some suitable place in Mechanicsburg to hold the election.

§ 3. That it shall be the duty of the county judge of said county to appoint judges and other officers to conduct the election at said voting place, as he is required by law to do for other voting places in said county; and that the officers holding elections at said voting place shall be governed in all respects by the laws now in force in this Commonwealth applicable to officers conducting elections in the respective districts in said county.

§ 4. This act to take effect and be in force from and after its passage.

Approved March 30, 1882.

## CHAPTER 648.

AN ACT to amend an act, approved 5th May, 1880, to authorize certain officers to execute process and collect executions in Union county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act approved 5th May, 1880, entitled "An act to authorize certain officers to execute process and collect executions in Union county," be, and the same is hereby, amended so as to confer upon the marshals of the town of Uniontown, Caseyville, and Morganfield, in said county, the same powers as is in said act conferred upon coroner, jailer, and constables of Union county.

§ 2. This act to take effect and be in force from passage.

Approved March 30, 1882.

CHAPTER 649.

AN ACT to authorize the county court of Jefferson county to increase their county levy.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Jefferson county, at their levy terms 1882 and 1883, be, and they are hereby, authorized to make an additional levy of five cents on each one hundred dollars of taxable property in said county for road and bridge purposes in each of said years, to be collected as the county levy of said county is now collectable by law.

§ 2. That this act shall take effect from and after its passage.

Approved March 30, 1882.

CHAPTER 650.

AN ACT to repeal a portion of an act, entitled "An act to incorporate the Rockcastle Mining and Lumber Company," approved 24th of February, 1882.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That so much of section five of an act, entitled "An act to incorporate the Rockcastle Mining and Lumber Company," approved February 24th, 1882, as reads: "*Provided*, That none of the powers conferred by this section convey any privilege to construct roads or railroads, excepting within the valley of the Big Sandy river, and adjacent thereto," be, and the same is hereby, repealed.

§ 2. This act shall be in force from its passage.

Approved March 30, 1882.

CHAPTER 651.

AN ACT for the benefit of the Odd Fellows' Hall Association, of Lexington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That all back taxes due or owing by the "Odd Fellows' Hall Association, of Lexington, Kentucky," prior to the year 1881, upon the house and lot situated on the south-east corner of Main and Broadway streets, in the city of

Lexington, Kentucky, and known as the "Opera House," to the Commonwealth of Kentucky, be, and the same are hereby, forgiven and surrendered by the Commonwealth to said association; and said back taxes shall never be collected or enforced for the benefit of the State of Kentucky.

§ 2. This act shall take effect from and after its passage.

Approved March 30, 1882.

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## CHAPTER 652.

AN AOT to protect the overflowed land in Carroll county from the depredation of stock running at large.

WHEREAS, The recent extreme freshets in the rivers and creeks, bordering on and included in the county of Carroll, have swept away nearly all the fencing upon the bottoms subject to overflow, leaving the farming lands exposed to injury and damage from the depredations of stock running at large, and said lands cannot be inclosed in time to raise and protect crops during the present season; for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all stock running at large upon any land subject to overflow in said county shall be liable to be taken up and impounded by the owner or tenant of the land on which such stock may be found, or in the vicinity thereof, and kept so impounded until the owner shall appear, claim his property, take charge thereof, and prevent such stock running at large in the future; and if the owner is known to the taker-up, he shall be promptly notified of such impounding; and if the owner shall promptly take charge of his stock, and not allow it to run at large again, no further proceedings shall be prosecuted for the first offense.

§ 2. If such owner shall not, when notified, promptly appear and take charge of such stock, and take care of it in the future, or without notice, if the owner shall suffer and permit the stock to remain impounded for twenty-four hours, without seeking and taking charge of it, he shall be subject to a fine of not less than one nor more than ten dollars, per head, for every day he shall suffer it to remain so impounded, to be recovered by penal proceedings, in the name of the



Commonwealth, by warrant before any justice of the peace of the county, upon service of process three days before the trial; such fine to be collected in the same manner as other fines are collected for penal offenses; and in addition thereto, unless the fine and costs are replevied, by bond with sufficient security, immediately upon its infliction, execution of *fi. fa.* may be issued instanter, which may be levied upon the stock impounded, or any other property of the defendant, regardless of any exemption provided by any law of this Commonwealth, and sold after five days' notice posted at three or more public places in the vicinity.

§ 3. If no owner can be found for such stock, then and in that case the stock shall be disposed of as provided by existing laws in regard to other estrays.

§ 4. This act shall be in force from its passage.

Approved March 30, 1882.

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## CHAPTER 653.

AN ACT to create a new voting precinct in Oldham county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby created a new voting precinct in Oldham county, the boundary of which shall be as follows, to wit: Beginning at A. A. Hampton's on Curry's Fork; thence with a straight line to Bonham's Station, on the Louisville and Nashville Railroad; thence with a straight line to R. W. Taylor's, on Harrod's Creek; thence down Harrod's Creek to Owen Priest's; thence with a straight line to J. W. Wilhoit's on the Lagrange and Brownsborough Road; and thence with a straight line to James Brown's, on Curry's Fork; thence up Curry's Fork to A. A. Hampton's.

§ 2. Buckner's Station shall be the voting place in said precinct, and Buckner's the name of the precinct, and all the voters in said boundary, including those whose names are mentioned, and those who may hereafter reside where those whose names are mentioned now do, shall vote in all elections at Buckner's Station: *Provided*, The county court of Oldham county may at any time deemed proper abolish said precinct.

§ 3. This act shall take effect from its passage.

Approved March 30, 1882.

## CHAPTER 654.

AN ACT to incorporate the Flat Rock and Jackstown Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Style. § 1. That a body-politic and corporate is hereby created, under the name of the "Flat Rock and Jackstown Turnpike Road Company," for the purpose of constructing a turnpike road on the McAdam's plan from Flat Rock by the most practicable route to Jackstown, in Bourbon county, Kentucky, and as such, shall have power to sue and be sued, to contract and be contracted with, acquire, hold, and possess such estate, real and personal, as may be necessary to accomplish the object of its creation.

Commissioners. § 2. That John Soper, Frank Soper, Robert Hopkins, and B. F. Walls, or any two of them as commissioners, may receive subscriptions to the capital stock of said company, which shall be a sum sufficient to construct said road, and divided into shares of fifty dollars each. The exact amount of capital stock may be determined by said commissioners, or any three of them, by a majority vote: *Provided, however,* That it shall not exceed ten thousand dollars. When said commissioners agree on the amount of said capital stock, they shall enter it on record in a book to be kept, in which shall be recorded the official acts of said commissioners and the board of directors of said road company. At every meeting of the stockholders each shareholder may cast, in person or by proxy in writing, one vote for each share of stock held by him.

§ 3. As soon as may be after the passage of this act said commissioners shall open books for the subscription of stock to said road at the post-office at Cane Ridge, in Bourbon county, Kentucky, or at Jackstown or Flat Rock, in said county, and as soon as they may think sufficient stock has been subscribed, they shall call a meeting of the stockholders, to be held at Cane Ridge, for the purpose of electing a president and four directors to manage and control the affairs of said company; notices of the time and place of said meeting and election shall be given by advertisement in two preceding issues of one of the newspapers published in Paris, Kentucky, and by written or printed notices posted for ten days prior thereto at Cane Ridge, at Flat Rock, and at Jackstown.

Said president and directors shall hold office for one year, and until their successors are elected; shall provide for the election of their successors, appoint a treasurer, clerk, and other officers, and remove them at pleasure; may take proper bonds for the faithful discharge of their duties from all or any of them, and prescribe what their duties shall be, and may make all necessary by-laws consistent with the laws of this State. No one shall be eligible to the office of president or director who is not a stockholder.

§ 4. Said road company may locate its road over any public highway, or deviate therefrom; and may acquire the right of way, ground for toll-houses, and quarries, in the mode prescribed by the General Statutes.

§ 5. The Bourbon county court of claims, a majority of the justices thereof being present and concurring therein, may subscribe not less than one thousand dollars' worth of stock to each mile of said turnpike road, and for the purpose of paying for the same said court of claims may make a levy upon the taxable property in said county.

County subscrip-  
tion.

§ 6. When three miles of said road is completed a toll-house may be put up and tolls collected for the distance traveled as by law the charter of the Paris and Flat Rock Turnpike Road Company are permitted to charge, subject, however, to the provisions of the General Statutes of Kentucky. The act incorporating which said Paris and Flat Rock Turnpike Road Company, and all amendments thereto not inconsistent with this act, are hereby made and declared to be parts hereof, and to apply to and govern the corporation hereby created.

Tolls.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 30, 1882.

## CHAPTER 655.

AN ACT for the benefit of Thos. J. Smith, late sheriff of Ohio county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thomas J. Smith, late sheriff of Ohio county, have the further time of two years from the first day of February, 1882, to collect any uncollected fee-bills and any uncollected taxes due him, and which was listed with him for collection during his term of office, and for which he has in

anywise accounted for and paid; and said Thomas. J. Smith, and any of the deputy sheriffs acting under him, shall have all the power and privileges for the said time of two years from the first day of February, 1882, to distrain, levy, sell, and garnishee in the collection of any of the said fee-bills and taxes due him and remaining in his hands uncollected that sheriffs, constables, and marshals now have by law for the collection of fee-bills and taxes.

§ 2. Said Thos. J. Smith shall have the power and privilege to list said fee-bills and taxes, or any part thereof, with any sheriff, constable, or marshal in whose bailiwick any of the parties who owe any of the said taxes or fee-bills may live; and any such officer with whom any of said taxes and fee-bills may be listed shall have the same power to attach, distrain, levy, and sell in the collection of any of said fee-bills and taxes as is conferred on said Thos. J. Smith or any of his deputies by the first section of this act; and any such officer shall receive and account for, and be responsible on his official bond for, any of said fee-bills and taxes so listed, in the same manner that such officer by law as now required to receipt, account for, and be responsible for fee-bills, taxes, and other dues that may come to his hands for collection.

§ 3. That said Thos. J. Smith and his deputies shall be responsible to any one injured by an illegal seizure or proceeding under the privileges and powers conferred by this act; and the said Thos. J. Smith shall be subject to all the penalties now in force by law for issuing or collecting illegal fee-bills.

§ 4. This act shall take effect from and after its passage.

Approved March 30, 1882.

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## CHAPTER 656.

AN ACT to establish the New Bank of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there shall be, and is hereby, established in the city of Louisville, Kentucky, a bank of discount and deposit, by the name of the New Bank of Louisville, with a capital of five hundred thousand dollars, divided in shares of one hundred dollars each, to be subscribed and paid for by in-

dividuals, companies, and corporations, which subscribers, shareholders, their successors and assigns, shall be, and are hereby, created a body-politic and corporate, by the name and style of the president, directors, and company of the New Bank of Louisville, and shall so continue a body-politic and corporate for thirty years from and after the first day of May, one thousand eight hundred and eighty-two (1882); and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, and to defend and be defended, in all courts and in all places, in all matters whatsoever as natural persons, with full power and authority to acquire, hold, possess, use, and occupy, and the same to sell, convey, and dispose of at pleasure, all such real estate, goods and chattels, as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said bank as collateral security for or received in payment of any debt due or to become due to said bank, or which may be conveyed or purchased in satisfaction of any judgment of a court of law, or of any order or decree of any court of equity in favor of said bank; and may have and use a common seal, and alter, change, or renew the same at pleasure; and may make, ordain, and put in execution such by-laws, rules and regulations, as may be necessary for the government of said bank, and the prudent and efficient management of its business, not inconsistent with the provisions of this charter or the laws of the United States or the Commonwealth of Kentucky.

§ 2. Said bank shall have and keep an office of discount and deposit in the city of Louisville; and it shall be lawful for said bank to loan money, deal in bills of exchange, checks and promissory notes, and to discount upon banking principles and usages bills of exchange, promissory notes, checks, and other negotiable paper; and all such bills of exchange, checks, and promissory notes, and other negotiable paper, discounted by said bank, shall be, and the same is hereby, placed upon the same footing of foreign bills of exchange, so that like remedy may be had, jointly or severally, against the drawer or drawers, indorser or indorsers.

§ 3. The business and affairs of said bank shall be under the direction and management of a board of directors, to consist of nine stockholders; and after the first election they shall be elected annually on the first Monday in May, at a

general meeting of stockholders, to be held at the banking-house, at such hour of the day as the by-laws shall fix; notice of which meetings shall be given in at least two daily papers, published in the city of Louisville, at least five days preceding said first Monday in May; said election shall be by ballot, and under the inspection of at least two stockholders, not directors, who shall be appointed by the board of directors, and who shall take an oath before some justice of the peace or notary public of Jefferson county for the faithful performance of their duty; and if, from any cause, the election of directors should not take place on the day herein provided for, the corporation for that reason shall not be dissolved, but it shall be lawful for the stockholders to hold an election on any other day prescribed by the by-laws. The board of directors elected under the provisions of this charter shall hold their office for the time for which they were elected, or until their successors are elected and qualified. The board of directors shall hold at least one regular meeting weekly on such day, and at such hour of the day, as the by-laws may prescribe.

§ 4. At all annual or other meetings of the stockholders, every shareholder shall be entitled to one vote for each share held by him, and of which he is then the owner, as shown by the books of the bank; any stockholder not attending such meetings in person, and being entitled to vote, may vote by proxy, said proxy being granted to a stockholder who is entitled to vote, and who is personally present at such meeting. After the first election, no share of stock shall confer the right of suffrage that has not been held by the then owner for at least three calendar months, as shown by the books of the bank.

§ 5. No person shall be eligible as a director in this bank who is not the owner of least ten shares of its capital stock, and no person who is a director in another bank shall be eligible as a director in this; and no two partners in trade shall be eligible as directors at one and the same time; and any officer or director of this bank accepting an office in another bank shall be deemed to have vacated his place in this.

§ 6. This bank may deal in the bonds, securities, and evidences of indebtedness of the United States, or of the State of Kentucky, or of any corporation in the State of Kentucky, or may loan money on the pledge of its own stock, at not exceeding eighty cents on the dollar of its par value, and

may loan money and purchase bills on a pledge of real estate; and to secure the same shall have the right to take a mortgage on any real estate; and for money so loaned on any of the bonds, securities, and evidences of indebtedness of the United States or of the State of Kentucky, or on its own stock, or the bonds or stocks of any other corporation, the bank shall have the right of selling and transferring such bonds, stocks, securities, and evidences of indebtedness in such manner and on such terms as the parties may agree in writing, either at the time of making the pledge or afterwards.

§ 7. The directors chosen under this charter shall, as soon as may be after the first election, and after each annual election, elect a president from their own body, who shall preside at the meetings of the board until the next election; and they shall at the same time elect from their own body a vice president, who shall, in the absence, death, or resignation of the president, fulfill the duties of president until a new election. The board shall fill all vacancies in their own body during the time for which they have been elected. Before entering upon the duties of their office, the directors shall take an oath before some justice of the peace or notary public for the faithful performance of their duties. They shall appoint a cashier and all other subordinate officers, clerks, agents, and servants of the bank, prescribe their duties, and fix their compensation, and require of them such bonds, and with such penalties and conditions, and with such sureties, as they shall deem right and proper; and all such officers shall remain during the pleasure of the board, under such rules and restrictions as the president and directors for the time being may require. It shall not be lawful for the cashier or any subordinate officer of the bank to enter upon or engage in any other business than that of the bank without the special license of the president and directors.

§ 8. A lien is hereby created upon the shares of the capital stock of this bank for any indebtedness due or to become due to the bank by the owner of said shares, either as principal or surety; and this lien shall give said bank a prior claim on all such shares of the capital stock of said bank.

§ 9. The board of directors shall allow and pay to the president of said bank such compensation from time to time as they shall deem just.

§ 10. That if the cashier or any subordinate officer, agent, or servant of said bank shall embezzle, or without the consent and authority of the president and directors appropriate the funds or property of said bank to his own use, or to the use of any one else, and thereby cheat and defraud the president, directors, and company of said bank, or shall fail to make correct entries, or should make false entries on the books of said bank, whereby the said bank or any other person whatever shall be defrauded, the said officer, agent, or servant so offending shall be held and deemed guilty of felony, and, on conviction thereof, shall be sentenced and confined in the jail or penitentiary of this State for a period not less than five nor more than twenty years.

§ 11. On the first Monday of July after this bank has commenced business, and on every succeeding first Monday in July thereafter during the continuance of this charter, the cashier shall pay into the Treasury of this State fifty cents for each one hundred dollars of the capital stock subscribed and paid in, and this sum so paid shall be in lieu of all other taxes.

§ 12. A majority of said board of directors shall be a quorum competent to the transaction of all business pertaining to the management of the affairs of said bank, and the board may from time to time declare such dividends from the earnings of said bank as they deem proper and just, and order the same paid to stockholders; but no dividend shall be declared that will lessen the capital stock of said bank.

§ 13. Charles Tilden, Thomas L. Jefferson, James B. Wilder, Henry G. Phillips, and John L. Wheat, of the city of Louisville, shall be, and they are hereby, constituted and appointed commissioners, any three of whom may act, to open books and receive subscriptions to the capital stock of said bank; and when the amount of two hundred and fifty thousand dollars of said capital is subscribed, they may close the books for the time being, and they shall then call a meeting of the subscribers, who shall proceed to elect nine of the number as directors of said bank, who shall serve until the first Monday of May following the date of their election; and they, the said directors, shall organize by the election of a president and vice president of their own body, and the president of said board shall notify the Governor of the Commonwealth of Kentucky. The commissioners shall open the books for



subscription to the capital stock of said bank within one year from the first of May, 1882.

§ 14. After the election of the first board by the stockholders, the board shall determine at what time the subscriptions to the capital stock shall be paid in, and cause notice to that effect to be issued to the subscribers. The board may at any time thereafter open, and keep open from day to day, as they deem proper, the books for subscription to the remaining capital of said bank or any part thereof.

Approved March 30, 1882

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CHAPTER 657. .

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within the corporate limits of the town of Pyarsburg, Graves county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be unlawful for any person to sell or give away any spirituous, vinous, or malt liquors, or mixtures of the same, in the town of Pyarsburg, or corporate limits thereof, in Graves county. Boundary.

§ 2. For any violation of this act, the person or persons so offending shall be fined twenty dollars for each offense, to be recovered by warrant issued by the police judge of said town, or a justice of the peace of said county. Such warrant shall be issued in the name of the Commonwealth, and full power is hereby given to any such officer to try any violation of this act that may occur within said corporate limits; and the same proceeding shall be had upon a judgment rendered as hereinbefore provided for, as if rendered by a circuit or criminal court for a similar offense. Fine.

§ 3. All fines collected under the provisions of this act shall be paid into the treasury of said town.

§ 4. This act shall not affect any wholesale dealer, or any one now selling under a license, until the expiration of such license.

§ 5. This act shall take effect from its passage.

Approved March 30, 1882.

## CHAPTER 658.

AN ACT to incorporate the town of Spring Lick, in Grayson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boundary.

§ 1. That the town of Spring Lick, in Grayson county, is hereby incorporated; the corporate limits shall be as follows: Beginning at the bridge across Caney creek above the town; running thence north eight hundred yards; thence west eleven hundred yards; thence south eight hundred yards to Caney creek below the town; thence up the creek to the beginning.

Trustees.

§ 2. That W. H. Rome, H. Harl, and D. B. Ferguson be, and they are hereby, appointed trustees of said town, who shall choose one of their body as chairman, and another as clerk; and a majority of said trustees shall constitute a quorum to do business. The trustees appointed shall remain in office until the first Saturday in June, 1882, and until their successors are elected and qualified; and upon which day, and upon the first Saturday in June in each succeeding year thereafter, there shall be elected five persons to serve as trustees of said town for one year, and until their successors are duly elected and qualified.

Term.

Voters.

§ 3. That all citizens residing in said town sixty days before the town election, and who are qualified to vote, and hold office under the Constitution and laws of Kentucky, are entitled to vote and hold office in said town.

§ 4. That said trustees are hereby constituted a body-corporate, and in their name the trustees of the town of Spring Lick may sue and be sued, and exercise all other privileges incident to corporations.

Police judge.

Marshal.

§ 5. A police judge and town marshal shall be elected by the qualified voters of said town on the first Saturday in June, 1882, who shall hold their offices for one year, and until their successors are elected and qualified. After the first election, the police judge and town marshal shall be elected annually, at the same time that the town trustees are chosen, and shall hold their office for the same length of time.

§ 6. Said officers shall, before they enter upon the duties of their respective offices, take the oath prescribed by law, and the marshal shall execute bond in the county court, with approved security, conditioned for the faithful discharge of his duty.

§ 7. Said police judge shall have concurrent jurisdiction with justices of the peace in the Spring Lick precinct in all criminal and penal cases, and shall be entitled to the same fees for similar services. The marshal shall have the same powers, both civil and criminal, as constables of Grayson county, and be entitled to the same fees for his services. Jurisdiction.

§ 8. Said trustees shall have power to levy an ad valorem tax on all property situated in the corporate limits of said town, not exceeding twenty-five cents on the one hundred dollars' worth of property, and a poll-tax not exceeding one dollar on each male citizen over twenty-one years of age. Tax.

§ 9. The board of trustees shall appoint an assessor on or before the first day of June in each year, whose duty it shall be to make a full and impartial list of the taxable property and tithes of said town, and report the same to the board of trustees within ten days after his appointment. He shall be allowed for his services a reasonable compensation. Assessor.

§ 10. It shall be the duty of the town marshal to collect the taxes so assessed within sixty days after receiving the assessor's book, during which time he shall have the same powers that sheriffs have in the collection of the State revenue. The marshal shall pay over to the board of trustees the taxes so collected by him. He shall return his delinquent list, and make final settlement as tax-collectors when required by the board of trustees. The trustees shall allow the marshal for his services not exceeding ten per cent. on the amount collected.

§ 11. The trustees of said town are hereby authorized to appropriate the taxes so collected to the improvement of the streets, and for such other purposes as they may think beneficial to said town.

§ 12. All fines and forfeitures recovered before the police court of said town for breach of the peace shall be paid when collected to the trustees of said town.

§ 13. That this act shall take effect from and after its passage.

Approved March 30, 1882.

## CHAPTER 659.

AN ACT for the benefit of common school district number thirty-two,  
in Bourbon county.

WHEREAS, By reason of the limited means of the residents of common school district No. 32, in Bourbon county, the small number of children in said district, and the ill-repair of the school building therein, there was no public or common school taught in said district for the school year ending June 30th, 1880, and has been none taught during this present year to end June 30, 1882; and whereas, the amount due said district for the year ending June 30, 1880, was \$78, and has been returned by the school commissioner of Bourbon county to the State Treasury, and never received by said district; and whereas, \$74.46, the amount due said district for the year to end June 30, 1882, has never been used by said district, and cannot be used by it unless this act should be passed; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sum of \$78, being the amount due common school district No. 32, in Bourbon county, for the year ending June 30, 1880, be, and the same is hereby, appropriated to and for the purpose of teaching a common school in said district 32 for five extra months; and the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor of Public Accounts in favor of the school commissioner of Bourbon county whenever said commissioner may report to said Superintendent that a common school has been taught in said district for the extra term named, said appropriation to be paid out of any interest due on the bonded surplus of Bourbon county, or any surplus school tax due said county for the school years ending June 30, 1884, and June 30, 1885, and to be paid by the commissioner to the teacher who may conduct said extra term of school.

§ 2. That said school district may not lose the money due it for the year ending June 30, 1882, the said Superintendent is hereby instructed not to bond the \$74.46 until after the year ending June 30, 1883; and in the meantime the said common school district may have a common school taught for five extra months to make up for the loss in the year ending June 30, 1882; and when the school commissioner of Bourbon county shall so certify to the Superintendent of Public

Instruction, the teacher of said school shall be entitled to the surplus herein ordered not to be bonded.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 30, 1882.

# CHAPTER 660.

AN ACT to amend sections five and seven of an act, entitled "An act to organize and establish a system of public schools in the city of Owensboro for white children in said city," and to authorize the mayor and council of Owensboro to levy an additional tax for the purpose of school buildings and repairs, and to issue the bonds of the city to the amount of ten thousand dollars for the purpose of erecting additional school buildings, &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section five of an act, entitled "An act to organize and establish a system of public schools in the city of Owensboro for white children in said city," be, and the same is hereby, amended as follows, to-wit: The provision "the mayor of the city shall be the president of said board," is stricken out, and instead thereof the board of trustees of said school shall, on the first meeting after they are duly organized, in May of each year, elect one of their own body as president of said board, who shall hold his office for a term of two years from the time of his election. Said board shall also elect its own treasurer, and shall fill, by appointment or election, all vacancies occurring in said board: *Provided*, There shall always be three trustees from each ward.

§ 2. *Be it further enacted*, That the mayor and council of Owensboro shall annually levy an ad valorem tax of not exceeding ten cents on each one hundred dollars' worth of all the property taxable under the provisions of the charter of the city belonging to white persons in said city, upon application of said board of trustees to said council, which shall be under the exclusive control of said board of trustees, for the purpose of keeping in repair said school buildings, and for supplies necessary to carry on said schools.

§ 3. *Be it further enacted*, That the mayor and council of said city shall be authorized to issue the bonds of said city for an amount not exceeding (\$10,000) ten thousand dollars

for the purpose of erecting additional school building now needed: *Provided*, This proposition shall be submitted to a vote of the people, and ratified by them at the annual election in April by a majority of the white votes there cast.

§ 4. All provisions of the present charter that are inconsistent with the foregoing are hereby repealed.

§ 5. This act shall take effect from and after its passage.

Approved March 30, 1882.

#### CHAPTER 661.

AN ACT to incorporate the Morgan Station and Williamstown Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. A. Brann, John Mankinson, Milton Doan, A. J. Arnold, Jno. P. Robinson, W. H. Cram, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name of the Morgan Station and Williamstown Turnpike Company; and by said name and style shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places within the Commonwealth of Kentucky.

§ 2. The said company is hereby authorized and empowered to construct a turnpike, macadamized or gravel road, in its discretion, from Morgan Station, in Pendleton county, to Williamstown, in Grant county, to be located on the most practicable route between said points; and in order to raise funds necessary to construct said road by subscription of stock to be divided into shares of twenty-five dollars each, books of subscription of stock in said road may be opened by W. A. Brann, A. J. Arnold, and Jno. Mankinson, or either of them, for the purpose of obtaining capital stock of said company. When five thousand dollars or more shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners, named in this section to open books for the subscription of stock, to give notice for a meeting of the stockholders at such time and place as may be specified in said notice, for the purpose of electing seven directors, one of whom shall be elected by said directors as president, and one as secretary, and one as treasurer. In

electing directors, one vote shall be allowed for each share of stock. The president and secretary, treasurer, and directors shall hold office for one year, or until their successors are elected and qualified. The time and place of election shall be fixed by the directors after the first election. A majority of the board shall be competent to transact the business.

§ 3. When said company is organized by the election of directors and officers as above provided, they shall be a body-politic and corporate, by the name and style above stated, and by that name shall have perpetual succession and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and taking and holding lands, tenements, and personal property by purchase or gift, as may be necessary for the prosecution of its work or the objects of the corporation. Officers..

§ 4. The president of said company may call meetings of the board of directors whenever he may think proper, and upon the application of two directors. Said board of directors shall require of the treasurer a bond for the faithful performance of his duty as treasurer of said company, including the covenant that said treasurer will account for and pay over to the proper persons all moneys that shall come into his hands as treasurer. Said board must keep a record of their proceedings, signed by the president and secretary. Said board shall have power and authority to make by-laws and regulations for the government of said company, and sue for and recover, in the name of said company, from any delinquent stockholder, the amount due and unpaid upon any share or shares of stock.

§ 5. The president and directors shall fix and regulate the elevations and grade of said road, the width and part thereof to be covered with stone or gravel, and may fix the rates of toll, and may change and alter the same at pleasure; but said rate shall not exceed the rates prescribed by chapter 110 of the General Statutes; and when three miles or more of said road shall have been completed and received by said board of directors, a toll-gate may be erected and tolls collected under such rules and regulations as shall be prescribed by said board of directors under the general laws of the State.

§ 6. The president and directors of said company and their agents are hereby authorized to take the consent, in writing, of all persons who may consent to grant the right of way for

said turnpike road, and the use of material for building and repairing said road. If either the right of way or material necessary for the construction of said road cannot be acquired, by consent or purchase, said directors may apply to the county court of Pendleton county for a writ of *ad quod damnum* to assess the damages that the owner of such land may sustain, giving the owner of the land the actual value thereof, and such incidental or collateral damages as he may sustain; but against such incidental or collateral damages the benefit arising from the construction shall be deducted. The said writ shall be directed to the sheriff of said county, who shall, after giving the owner of the land at least five days' written notice, summons twelve discreet, intelligent, and sober jurors, resident of said county, and freeholders, who shall be sworn by the sheriff to fairly and impartially try said case, and a true verdict render; the jury shall sign the verdict, and hand it to the sheriff, who must, within three days, deliver it to the clerk of the county court of said county, who shall docket the case for trial; but if no exception be filed at or before the second term of the court, then the inquest of the jury shall be confirmed, which confirmation shall vest the right of the property in the Commonwealth for the use of said road, and a writ of possession may issue therefor. Said company may acquire, by purchase or by writ of *ad quod damnum*, as above prescribed, land not exceeding one acre for each toll-house erected on said road.

§ 7. Appeals may be taken to the circuit court of said county, and to the Court of Appeals from the circuit, by either party; and the party failing on the appeal to increase or diminish the verdict of the jury shall pay the cost on the appeal. The appeals herein provided for shall in nowise prevent the company from constructing the road: *Provided*, The said company makes deposit of money rendered to the defendant of the amount found by the jury.

§ 8. Certificate of stock in said company shall be signed by the president, and countersigned by the secretary; shall be deemed personal property, and shall be transferable on the book of said company in such manner as the board of directors shall prescribe.

§ 9. The capital stock of said company shall be used in the procurement of the right of way, material, and construction of said road, and defraying all legitimate expenses in con-



structing said road, and for no other purpose. The stockholders in said company shall only be bound to the extent of their stock in said company.

§ 10. This act shall take effect from and after its passage.

Approved March 30, 1882.

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#### CHAPTER 662.

AN ACT to authorize the county court of Warren county to subscribe stock in turnpike roads in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the county court of Warren county be, and it is hereby, empowered to pay to any turnpike company which has been or may hereafter be incorporated by the county court of said county, or by the Legislature of the State of Kentucky, the sum of one thousand dollars toward the erection and completion of every mile of turnpike which may be made in said county, in manner and form, and upon the condition, and subject to the limitations as hereinafter provided.

§ 2. Said county court shall not pay or advance any money until the company making application therefor shall have completed one mile of well-constructed and durable turnpike road, of gravel or stone, as required by their respective charters, nor until said company shall have given in writing a statement showing that said company has ample means or private subscriptions on hand with which, and the one thousand dollars per mile to be drawn from the county, to construct and put in operation at least three (3) miles of turnpike road. Before paying said subscription, the said court shall cause said road to be carefully examined.

§ 3. Upon the payment of each one thousand dollars by the said county court, the company to which it is paid shall issue a certificate of stock to the county of Warren for the amount so paid by her; and said county, acting through the county court, shall participate in the control and management, and share in the dividends of any such road as any other stockholder.

§ 4. Said county court, in making payments and taking stock as hereinbefore provided, shall not give preference to any road over any other which is in process of construction,

or is in good faith proposed to be built, but in taking such stock shall be as nearly just to every portion of the county as possible; but in no event shall said county court pay toward, or said county be a stockholder in, the roads of said county beyond the sum of thirty thousand dollars.

§ 5. All proceedings touching subscriptions of stock by said county shall be kept of record in the county court clerk's office, and the county court clerk shall keep a book, in which shall be recorded the date and amount of each subscription of stock by the county of Warren, in what company, and when said subscription was made.

§ 6. All dividends received by the county of Warren on the stock held by her in any turnpike company shall be paid into the county treasury as of the county named.

§ 7. Before said county court shall make any subscription of stock to any turnpike road company as authorized by this act, said court shall submit to the qualified voters of Warren county, at the regular election to be held in said county in August, 1882, the question whether or not the county of Warren shall subscribe stock in the turnpike companies in said county; and if a majority of those voting shall vote in favor of such subscription, then the county court shall make the payments and take the stock as herein provided. For the purpose of ascertaining the will of the people on said question, two columns shall be opened in each poll-book for each precinct in said county at said regular election, one headed "for turnpikes," and the other headed "against turnpikes." Before such question is voted upon, said county court shall cause notices of the fact that said question of the county subscribing stock in turnpike companies to the extent of thirty thousand dollars, to be advertised for not less than six different issues of each of the newspapers published in Warren county.

§ 8. If the county court shall deem it best it may, instead of paying the subscriptions herein authorized in money, pay the same in the bonds of the county, to be issued in denominations of \$100 and \$500, payable to bearer twenty years after date, redeemable at any time after five years, bearing five (5) per cent. interest from date, and payable semi-annually on January 1st and July 1st of each year, with coupons attached; said bonds, if so issued, shall be sold at not less than par, or paid to the company in which the stock is taken

at their face value. Said bonds or their proceeds shall be used in paying subscription to stock as herein provided, and no other purpose. Said bonds shall show on their face that they are in aid of turnpikes, and the clerk of the county court shall keep a full register of all bonds sold under this act, date of sale, number and denomination of bond, by whom bought, and when.

§ 9. The interest of the county in any road, to the extent of its stock in such road, shall at no time be liable for any debt or debts contracted by such company.

§ 10. This act shall take effect from its passage.

Approved March 30, 1882.

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#### CHAPTER 663.

AN ACT to amend an act, entitled "An act to organize a system of public schools in the town of Winchester," approved April 4, 1873.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the offices of trustee of the public school of Winchester and trustee of the town of Winchester shall be, and are hereby, declared incompatible, and the acceptance of one whilst holding the other shall work a forfeiture of the office then held by the person so accepting.

§ 2. No person shall be eligible to the office of trustee of the public school of Winchester who has not, during the year preceding his election, sent at least one child of his own to the said school so long as three months.

§ 3. Not more than two members of the board of trustees of said public school shall be of the same religious denomination.

§ 4. The trustees of the public school of Winchester are hereby empowered to levy and have collected, as is now provided by law for collecting taxes in the town of Winchester, a poll-tax of not exceeding one dollar each on the male inhabitants of said town over the age of twenty-one years.

§ 5. This act shall be in force from and after its passage.

Approved March 30, 1882.

## CHAPTER 664.

AN ACT to amend and reduce into one all the laws relating to opening, repairing, keeping in repair, and levying and collecting taxes, for the benefit of public roads in Boone county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

**Tax.** § 1. That an annual tax of five cents on each one hundred dollars' worth of property in Boone county, which by law is taxed for revenue purposes, be, and is hereby, levied and imposed for the purpose of opening, repairing, and keeping in repair the public roads in said county.

**Assessor—duties** § 2. It shall be the duty of the assessor of Boone county, when he takes the list of taxable property of said county for each year, to note in his book the names of all persons owning lands in more than one magisterial district, the number of acres, and value of same, in each district, and in what districts said lands are located.

**Sheriff.** § 3. It shall be the duty of the sheriff of said county to ascertain from the assessor's books, as soon as they are returned, the amount of road tax due each magisterial district, at the rate aforesaid; and he shall collect and account for the same in the same manner, and under the same responsibilities, as now provided by law for collecting the public revenue; and he shall be allowed three per cent. of the amount collected as compensation therefor. He shall, as soon as the same shall have been collected, equally distribute among the surveyors hereinafter provided for in each magisterial district the taxes collected in each district; and such distribution shall be made on or before the first Monday in April of each year, after said tax is due.

§ 4. Each magisterial district shall be divided into four road districts, each to have as near as may be, without actual measurement and allotment, the same number of miles of public road, and the same number of persons to work thereon. The present division of roads and allotment of hands to remain, however, until changed by the county court.

**Surveyor.** § 5. The county judge shall, at the regular March term of the county court in each year, appoint in each of said road districts a surveyor of roads, who shall be notified of his appointment by the sheriff within fifteen days thereof.

**Duties.** § 6. It shall be the duty of each surveyor of roads to superintend the opening, repairing, and keeping in repair all the

public roads in his road district. He shall, between the first day of April and the first day of September in each year, notify each person in his road district, who is required by law to work upon public roads, of the time when, and place where he will work the road, and this notice must be given two days before the time fixed, and may be verbal. It shall be the duty of all such persons thus notified to attend, with proper implements, at the time and place fixed by the surveyor, and work for two full days upon the public roads; but any such person may, at the time he is notified, pay to the surveyor the sum of two dollars, and he shall thereupon be exempt from working upon roads for that year, except as provided for in section eight of this act.

§ 7. Any person liable to work upon public roads who shall fail to work two full days upon the same each year, as required, or to pay two dollars to the surveyor in lieu thereof, or who shall fail to work or pay any part of the same, shall be reported by the surveyor to the county judge, who shall thereupon issue a warrant of arrest for said delinquent, directed to the sheriff or any constable of Boone county, returnable to the county judge within ten days, and the said delinquents shall thereupon be fined at the rate of two dollars per day for each day or part of a day that he shall have failed to work, together with the cost of said proceedings: *Provided, however,* That said delinquent may, at the time of his arrest, pay to the officer making the arrest, at the rate of one dollar per day, for the time he shall have failed to work, together with the cost of the proceedings against him; and he shall thereupon be discharged; and in order to enforce the provisions of this act, no property in this Commonwealth owned by a delinquent road-worker shall be exempt from execution.

§ 8. All funds received by the several surveyors for road purposes shall be expended upon the public roads in their respective districts between the first day of April and the first day of September in each year. They shall distribute the hands and the proceeds of said funds among the various roads of their districts, taking into consideration their condition, and the amount and kind of travel upon the same; and if at any time after having exhausted all their resources, any road, bridge, or culvert is in an unsafe and dangerous condition, they shall order out, without delay or previous

notice, any hands liable to work upon said road, not to exceed two days, for the purpose of repairing the same; and any such person so notified and failing to work as required, shall be reported to the county judge, and be subject to the same fine as a delinquent road-worker: *Provided, however,* That no person shall be so ordered out or required to work a second time who is not the owner or renter of lands, or a teamster interested in the condition of said road.

§ 9. Public roads in Boone county shall include the streets and alleys of towns which are continuations of public roads, and are not included in the charter of a turnpike company.

§ 10. Surveyors of roads shall be allowed one dollar and fifty cents per day for their services, while actually engaged in notifying or superintending hands; but in no case shall they receive more than twenty dollars each for such services in any one year, which sum they may retain out of the road funds in their hands.

§ 11. At the expiration of their terms of office, the several surveyors aforesaid shall make a report, in writing, to the county court of all their acts under this law, showing the amount of money received, from whom received, the amount expended, to whom, and for what paid, a list of all road-workers in their respective districts, and the delinquents therein. They shall, at the time of filing their reports, pay all road funds in their hands into the county court, and said court shall order the same to be paid to the incoming surveyors in their proper districts.

§ 12. Any surveyor of roads who shall fail to perform any of the duties devolving upon him by virtue of this act shall be liable to a fine not exceeding twenty dollars for each offense; and any officer failing to perform any of the duties required of him by virtue of this act shall be liable to a fine not to exceed ten dollars for each offense, in the discretion of the county judge, who shall have exclusive jurisdiction over all road cases. The county judge shall, when he shall have received information by the affidavit of any person living in any road district in said county, or have knowledge of the failure of any surveyor of roads, or other officer, to perform any such duty, issue a rule against such delinquent surveyor or officer, and compel him by fine as aforesaid to perform said duty; and in all cases of the issuance of such rule the delinquent surveyor or officer shall pay the cost thereof.

§ 13. All fines collected from any road-worker or surveyor of roads shall be paid into the county court by the officer collecting the same, and the court shall order the same to be paid to the surveyor in the delinquent's road district. All fines collected from any officer by virtue of this act shall likewise be paid into court, and shall, by order of court, be paid to the school commissioner for the benefit of common schools.

§ 14. The county judge may, for cause, remove any surveyor of roads, and, in the event of any such removal, shall thereupon compel him to make an immediate settlement of his accounts. He shall have power to fill any vacancy that may occur, and it shall be his duty to see that the provisions of this act are enforced; but this act shall not apply to any road-worker who was a delinquent when this law went into effect, and all such delinquents shall be held under the provisions of the laws to which this is an amendment, and to this extent said laws are not repealed.

§ 15. All acts in conflict with this act are hereby repealed.

§ 16. This act shall take effect from its passage.

Approved March 30, 1882.

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#### CHAPTER 665.

AN ACT to give the sheriff of Ballard county further time to pay the State revenue.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That P. H. Gupton, sheriff of Ballard county, is hereby given the further time of two months in which to pay the revenue due from Ballard county to the State; and no proceeding shall be had against him for any deficit till after the first day of June, 1882.

§ 2. This act shall take effect from and after its passage.

Approved March 30, 1882.

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#### CHAPTER 666.

AN ACT for the benefit of Warren Smith, sheriff of Bullitt county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Warren Smith, sheriff of Bullitt county, shall

have further time, and until the first day of August, 1882, to collect and pay over to the Treasury the State revenue due from the tax-payers of Bullitt county for the year 1881: *Provided, however,* That the sureties of said Smith shall appear before the county court of Bullitt county, within thirty days after the passage of this act, and consent of record for the extension of time herein granted.

§ 2. This act shall take effect from its passage.

Approved March 30, 1882.

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#### CHAPTER 667.

AN ACT to amend the charter of the Citizens' Bank of Louisville, approved April 9th, 1878.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act approved 9th April, 1878, entitled "An act to incorporate the Citizens' Bank," be, and the same is hereby, amended as follows, to-wit: The said bank shall be known as the Union Bank. That the word "Union" shall be, and is, substituted for the word "Citizen," wherever the latter occurs in the said act.

§ 2. This act shall take effect from its passage.

Approved March 30, 1882.

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#### CHAPTER 668.

AN ACT, entitled "An act for the benefit of W. W. Stalling, administrator of the estate of W. N. Simmons, deceased, late sheriff of Bullitt county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. W. Stalling, executor of the estate of W. N. Simmons, deceased, late sheriff of Bullitt county, shall have two years from the passage of this bill to settle, levy, distrain, and collect fees and taxes due of said decedent, subject to the penalties of other officers for issuing or collecting illegal fee-bills.

§ 2. This act to take effect from its passage.

Approved March 30, 1882.



CHAPTER 669.

AN ACT to enable John W. Hamilton, a minor of Campbell county, to dispose of his property by will.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That John W. Hamilton, of Campbell county (a minor), be, and he is hereby, authorized and empowered to dispose of his property, real and personal, by will.

§ 2. This act shall be in force from and after its passage.

Approved March 30, 1882.

CHAPTER 670.

AN ACT to incorporate Elliott Institute, at Kirksville, in Madison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an institution of learning, located at Kirksville, in Madison county, now owned by Milton Elliott, shall be known as Elliott Institute.

§ 2. That Milton Elliott shall be president of said institution, and Newland Jones, J. P. Simmons, sr., and Webber H. Sale, trustees of same; and the president and said trustees and their successors shall be a body-corporate, under the name and style of "Elliott Institute," with perpetual succession.

§ 3. Should a vacancy at any time occur in the board of officers by death or otherwise, the president shall have full power to fill said vacancy.

§ 4. That the president shall have power to appoint such professors and teachers as may be necessary to instruct the pupils of said institute in the arts and sciences, and in all the useful and ornamental branches of a liberal and thorough education, and may remove same at will.

§ 5. That the president shall have full power to prescribe and regulate the course of study, and, with the advice and consent of the trustees, manage and control all the business and affairs of said institute.

§ 6. That the president shall have power to grant diplomas, signed by himself and teachers, to any and all of the students who have completed one of the regular course of studies prescribed in said institute, shall have passed a regular ex-

amination in same, and shall have sustained a good moral character; and he may also confer any of the degrees and honors upon such persons as he may see fit that are now authorized by law to be conferred by any of the universities or colleges of this State.

§ 7. That this act shall take effect and be in force from and after its passage.

Approved March 30, 1882.

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#### CHAPTER 671.

AN ACT to prohibit the sale of spirituous, vinous, malt, or other intoxicating liquors within one mile of Bethany Church, in Owen county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the sale of any spirituous, vinous, malt, or other intoxicating liquors, within one mile of Bethany Church, in Owen, is hereby prohibited.

§ 2. Any person who shall violate the first section of this act shall be liable to a fine of twenty-five dollars for each offense, recoverable by indictment of the grand jury of Owen county court, or by a warrant of a justice of the peace in said county.

§ 3. This act shall take effect from and after its passage.

Approved March 30, 1882.

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#### CHAPTER 672.

AN ACT to authorize the present mayor of Ashland to complete certain records made by the former mayor of said city.

WHEREAS, It is represented to this General Assembly that H. B. Brodess, late mayor of the city of Ashland, died in office without having entered at large upon the order-books thereof the judgments, orders, decrees, and other proceedings of the mayor's court of Ashland, had and made at and after the July term, 1881, thereof; for remedy therefor,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That John Means, present mayor of the city of Ashland, be, and he is hereby, authorized and empowered to enter or cause to be entered upon the order-books of the

mayor's court of Ashland such judgments, orders, decrees, and proceedings made and had at and after said July term, 1881, as shall appear from written memoranda or docket entry, upon the records of said court, to have been duly had and made therein, and when so made and entered to approve and sign same, his action in so doing to have the effect in law as if entered, approved, and signed by the mayor of the city of Ashland, at their proper date of entry and making, in open court.

§ 2. This act shall be in force from and after its passage.

Approved March 30, 1882.

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### CHAPTER 673.

AN ACT for the benefit of D. R. Kinnaird & Co.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That D. R. Kinnaird & Co., of Rocky Hill, Kentucky, wholesale manufacturing chemists, are hereby vested with the right to vend and sell a medical compound known as Dr. West's O. K. Bitters. Said medical compound, known as Dr. West's O. K. Bitters, shall contain : Gentianæ radix, 2 oz; cinchonæ rubra, 1½ oz; calumbæ radix, 1½ oz; cinnamoni cork, 4 oz; aurantii cork, 3 oz; grana paradisi, 10 oz; spirits frumenti, 3 oz; syrupus simplex, 1½ oz; aqua fontana, 1½ oz.

§ 2. That no person or firm in this Commonwealth selling said medical compound shall be required to pay a special tax as liquor dealers are now required to pay.

§ 3. This act to be in effect from its approval.

Approved March 30, 1882.

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### CHAPTER 674.

AN ACT to incorporate the Kentucky Improvement and Construction Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That Samuel Russell, W. P. D. Bush, and R. Y. Bush, Incorporators.  
and their associates, successors, and assigns, be, and they are hereby, incorporated and made a body-corporate and politic, Style.  
under the name and style of the Kentucky Improvement and Construction Company.

Powers.

§ 2. Said company may, by or under its corporate name, style, or title, make and use a corporate seal, which it may alter, change, or renew at pleasure; and may sue and be sued, plead and be impleaded, contract and be contracted with, and make by-laws, rules and regulations, consistent with the existing laws of this State, for the government and prosecution of its business, and management and control of its affairs.

Capital stock.

§ 3. The capital stock of said company may be any amount, not exceeding five hundred thousand dollars, and divided into shares of one hundred dollars each; and the directors of said company may receive real or personal property in payment for subscriptions to the capital stock of said corporation, upon such terms and conditions, and at such valuation, as may be agreed upon by the directors, or a majority of them, and the subscribers respectively.

§ 4. Said company shall have power to and may purchase, hold, grant, sell, convey, mortgage, lease, rent, use, and acquire, and dispose of any real or personal estate, stocks, bonds, choses in action, or other securities, in this State or elsewhere; may engage in mining, transporting, and selling coal, and in mining and manufacturing iron and other ores and minerals, timber and lumber, and transporting the same to market; and do all other acts that may be needful and proper for the successful operation and prosecution of the business of said corporation; and, for the execution of the powers herein granted, said company may erect and build, or purchase such buildings, mills, and furnaces, engines, machinery, and fixtures as may be deemed to be necessary and proper.

§ 5. Said company shall have power to and may contract for and build, construct, complete, equip, and furnish, or aid in building, constructing, completing, equipping, and furnishing railroads, bridges, and telegraph lines, and all buildings, erections, and machinery necessary or appurtenant thereto, whether in this State or elsewhere; and may also construct, operate, or maintain other works of public or private improvement in this State or elsewhere; and to that end may acquire franchises and contract with any person or persons, corporation or corporations, having the power or franchise to build or construct and operate railroads, bridges, telegraph lines, or other public improvements; and may receive in payment therefor cash, money, promissory notes, bonds, with or with-

out coupons, or stocks, or other securities, issued by individuals or corporations, or any government, State, county, town, district; and may sell, negotiate, and pledge the same at such rates of premium or discount as may be deemed best by said corporation.

§ 6. The persons named in the first section of this act shall constitute the first board of directors of said corporation, and may continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting thereafter, the stockholders of said corporation shall elect not less than three nor more than seven directors of said corporation as may be prescribed by the by-laws and regulations thereof, who shall continue in office until their successors are elected and qualified. No one shall be elected a director unless he is the owner and holder of stock in his own right in said corporation at the time of his election. The board of directors shall appoint one of their number president, who shall be president of said board, and also of said corporation. Said board shall have power to fill any vacancies in the board of directors, occasioned by death, resignation, or otherwise; and appoint, to hold during the pleasure of the board, such subordinate officers and agents of said corporation as may be prescribed by the by-laws and regulations thereof, and fix their compensations, and take from them such bonds, with surety, as they may require or deem necessary. Directors.

§ 7. The stock of said company shall be deemed personal property, and certificates thereof, signed by the president and secretary of said corporation, shall be issued, and be assignable and transferable on the books of said corporation, in such manner as may be prescribed by the by-laws and regulations thereof.

§ 8. The stockholders of said corporation shall not be, or be made, individually liable for its debts or liabilities.

§ 9. The general office of said company shall be located in the city of Louisville, Kentucky, and all elections for directors shall be held in said city. General office.

§ 10. This act shall take effect from its passage.

Approved March 30, 1882.

## CHAPTER 675.

AN ACT to amend an act to amend and reduce into one the several acts concerning the town of Versailles, approved March 6th, 1868.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

That the act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March 6th, 1868, be amended as follows, to-wit :

§ 1. The board of trustees of the town of Versailles shall have the power to prevent and restrain any person or persons from resisting, hindering, or interfering with any officers of said town when engaged in the lawful discharge of his duties in said town, and to provide for the arrest and punishment of the party or parties engaged or taking part or aiding and abetting in such resistance, hindrance, or interference.

§ 2. The said board shall have the power to prevent the use of abusive and insulting language by any one in the presence or hearing of another with the intention to provoke an assault, or which shall be calculated so to do, and to provide for the punishment and fine of any one so offending, subject to the limitations of the aforesaid act: *Provided*, That no costs shall be charged in cases before the police court where the warrant is dismissed.

§ 3. If the marshal or collector of the town of Versailles having taxes of any kind or character, or other public dues to the said town in his hands for collection, believes another person is indebted in money or property to the person owing the taxes or public dues, he shall deliver to the person owing the taxes, if in Woodford county, and to the person owing him anywhere he may be found, or cause it to be done, written notice, in substance as follows: Mr. A B, the taxes due by C D to the town of Versailles, amount to the sum of \$——. To that extent you are notified not to pay or deliver to him any money or property which you now are or may hereafter be indebted to him, and to appear before the police court of said town on the —— day of —— 18——, to show why you shall not be adjudged to pay said taxes. This —— day of ——, 18——. ——, Marshal.

§ 4. This notice shall be signed by the marshal or by the collector, and shall operate to enjoin the persons named in it from paying the amount mentioned in the notice, money,

property, notes, accounts or other thing of value owing at the time of service of the notice or accruing thereafter until the matter is heard by the police court. On the hearing by said court, the person indebted to the person owing taxes shall be compelled to disclose, on oath, in open court, all matters of account or indebtedness, whether for money, property, or labor owing at the date of the notice or incurred thereafter. The court shall direct the person owing the person from whom the taxes are due to pay or deliver any money, property, or other thing then or at the time the notice was served coming to the person owing the taxes to the marshal or collector to the extent of such taxes and costs, or to the extent of his liability, including such as accrues after notice, though paid or discharged; and if it be property, the marshal or collector shall sell the same in the manner he is directed to sell like property when sold for taxes. If the persons so indebted to the person owing taxes fail to attend or fail to make disclosure, the court shall render judgment against them for all the taxes.

§ 5. The person owing the taxes shall not be discharged from liability for them until they are fully paid, or the amount of them realized from the proceedings aforesaid. All persons indebted to the person owing the taxes may be included in the same notice, though residing out of Woodford county.

§ 6. The proceeding shall be docketed in the name of the town of Versailles, and if necessary to the interests of the town, the court may cause other parties to be brought before it and made parties to the proceeding. The court may hear evidence and direct the payment of the taxes as it may deem proper: *Provided*, That nothing herein shall restrict, restrain, or prohibit the marshal or collector from collecting taxes in the manner provided for in the aforesaid act, approved March 6th, 1868.

Approved April 1, 1882.

#### CHAPTER 676.

AN ACT to incorporate the Lexington Stock and Produce Exchange.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That W. L. Fleming, H. A. McLemore, Tyree Rodas, R. C. Reynolds, E. Carpenter, and F. H. Watkins, and their

Incorporators..

Style. associates, be, and they are hereby, created a body-politic and corporate, under the name and style of the Lexington Stock and Produce Exchange; and as such they and their successors

Powers. shall have perpetual succession, with power to sue and be sued in the corporate name, to make, contract, acquire, hold, and own such real estate and personal property as may be necessary for the transaction of the corporate business; to have a common seal, and power to change and alter the same at pleasure. They shall have power to make all necessary rules and regulations for carrying on the business of said corporation not inconsistent with the Constitution and laws of this State or the United States, and such other powers as are necessary and proper for the existence of such a corporation.

Directors. § 2. The persons named in the first section of this act shall act as a board of directors from and after the acceptance of this charter; and any vacancy in said board caused by death, resignation, or otherwise, shall be filled by the remaining directors as may be provided in the by-laws.

Capital stock. § 3. The capital stock of said corporation shall be fifty thousand dollars (\$50,000), in shares of one hundred dollars each; but said corporation may organize, elect officers, and commence business whenever five thousand dollars (\$5,000) stock is subscribed and paid up. The balance of the capital stock may be issued in such amounts and at such times as the board of directors may determine.

§ 4. The certificates of stock shall be signed by the president, countersigned by the secretary, and stamped with the seal of the corporation. They shall be transferable only upon the books of the corporation, and the surrender of the certificate, with the proper assignment thereon by the party to whom it was issued. Said certificate shall be taken in and canceled, and a new one issued in lieu thereof.

Officers—election § 5. The officers of said corporation shall be elected annually by the board of directors on the first Monday in January in each year. The officers elected at the organization of the corporation shall hold their office until the next annual election. Said officers shall consist of a president and secretary, and such other officers as the board of directors may from time to time deem necessary. Said officers shall manage and conduct the business and affairs of the corporation; and for their services they shall receive such salary and compensation as the board of directors may determine.



§ 6. Said corporation shall also have power to employ such agents and servants as it may deem necessary to conduct its business and affairs.

§ 7. The president shall preside at all meetings of the board of directors, and discharge such other duties as may from time to time be required of him.

§ 8. The secretary shall keep the books of the corporation, and make and keep a faithful record of the proceedings of the board of directors and the meetings of the corporation, and of all transfers of stock. He shall have custody of the seal, and shall keep and preserve all canceled certificates of stock, books, papers, and such other property that may come to his hands as secretary. He shall perform such other duties as may be required of him by the board of directors.

Secretary — duties.

§ 9. All money or funds that may be paid to or come into the hands of said corporation shall be deposited in a bank, to be designated by the board of directors, and when deposited, it shall only be drawn out of said bank upon a check duly signed by the president and countersigned by the secretary.

§ 10. The president and secretary shall, *ex officio*, compose an executive committee, to act for and on behalf of the board of directors in the management of the business and in conducting the affairs of said corporation (except when said board is in actual session), under such by-laws, rules and regulations, as may be prescribed.

Executive committee.

§ 11. Said corporation shall have power to buy and sell, on commission or otherwise, grain, produce, merchandise, stocks, and securities in this State and other States, and to make contracts as to the price, time, and place of the delivery of said grain, produce, merchandise, stocks, and securities; but the said corporation shall never, at any time, engage in the business of banking, or in the purchase or sale of any bill of exchange or promissory notes.

§ 12. The private property of the stockholders shall not be liable for the corporate debts or liabilities.

§ 13. This act shall take effect from its passage.

Approved April 1, 1882.

## CHAPTER 677.

AN ACT to incorporate the Bloomfield and Ash's Creek Turnpike Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

Style. § 1. That a company is hereby created, under the name and style of the Bloomfield and Ash's Creek Turnpike Road Company, which shall be a body-politic and corporate, for the purpose of constructing a turnpike road from a point where the Bloomfield and Ash's Creek Road crosses the Chaplaintown and Taylorsville Turnpike Road, in Nelson county, to Van Buren, in Anderson county.

Capital stock. § 2. That the capital stock of said company shall be twenty thousand dollars, which may be increased or diminished at the pleasure of the company, divided into shares of fifty dollars each.

Subscription. Commissioners. § 3. Books of subscription shall be opened by Butler R. Thomas, A. S. Pulliam, Samuel Russell, jr., and John Green, or any two of them, who are hereby appointed commissioners to take subscriptions to the capital stock of this road, at such time and place as they may deem proper. They shall insert in a book the following obligation: " We, whose names are hereunto subscribed, severally promise to pay to the president and directors of the Bloomfield and Ash's Creek Turnpike Road Company the sum of fifty dollars for each and every share set opposite our names, in such manner, and at such times, as shall be by them required under the law incorporating said turnpike road company.

§ 4. When two thousand dollars shall have been subscribed to the capital stock, it shall be the duty of the commissioners named to give notice, in such manner and at such time and place as they may think proper, of a meeting of the stockholders for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office until their successors are qualified. The time and place of election, after the first, shall be fixed by the president and directors, and shall occur once in each year; a majority of the board shall transact business, and shall be convened by order of the president, or any three of the directors.

§ 5. So soon as the company is organized by the election of officers, the president and directors shall be a body-politic and corporate, in fact and law, by the name and style of the Bloomfield and Ash's Creek Turnpike Road Company, with the privileges and franchises of a corporation; shall be capable of holding their capital stock, and the increase and profit thereof, and holding by gift, purchase, or otherwise, anything necessary for the prosecution of their work, or the objects of their corporation. They shall have power to contract and be contracted with, sue and be sued, in all courts of law and equity; to have and use a seal, and generally to do all and every act or thing lawful for a corporation to do to affect the object for which said corporation was created.

§ 6. Said corporation shall fix and regulate the grade of said road and its covering with gravel or stone; but said grade shall be sixteen feet wide, and there shall be twelve feet of gravel or stone in width on said road; may designate the place of toll-gates, fix the rates of toll; may regulate and change the place of same; but such rates shall not exceed those prescribed by general law. They shall have power, after two and one half miles have been completed of said road, to erect gates and collect tolls, and apply the same to the completion of the road.

§ 7. It shall be lawful for the officers and employes of the company, with their tools and appliances for locating or making said road, to enter upon the lands over and contiguous to which the intended road shall pass, having first given notice to the owner or occupants thereof. They shall have the right to take and receive the right of way over and through the lands where said road shall be located. If in any instance they cannot procure the right of way, and cannot agree with the owner or owners of the lands through which said road is to pass as to damages said owner will sustain by reason thereof, then the president shall apply to the county court of the county wherein the land is located for a writ of *ad quod damnum* to assess the damages which the owner thereof may sustain because of the location of said road upon his, her, or their premises; and upon the payment or tender of the damages assessed, it shall be lawful for the company to open and make said road, open and use rock and gravel quarries on the line of said road, and the lands contiguous thereto, and do all work pertaining thereto; and in assessment of

*Ad quod damnum.*

damages, it shall be taken into consideration the advantages and disadvantages of said road to the owner or owners of said land through which the road may run.

§ 8. The president and directors shall give notice, as they may deem proper, of the amount of call on each share of stock, and the time and place of its payment.

§ 9. The president and directors may appoint annually such officers as they may deem necessary, with such compensation as they may deem just. Among whom, the treasurer shall give bond in such sum as they may prescribe, with surety, to be approved by the board, to pay over all sums in his hands to the order of the board.

§ 10. This act shall take effect from its passage.

Approved April 1, 1882.

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## CHAPTER 678.

AN ACT to amend the turnpike law in district No. 2, in Henry county, as far as it applies to roads that may be built by the Pleasureville and Dennon Creek, Bethlehem and Clay Lick Ferry, Pleasureville and Point Pleasant, and New Castle and Franklinton Turnpike Companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the turnpike law in district No. 2, in Henry county, so far as it applies to roads that may be built by the Pleasureville and Dennon Creek, Bethlehem and Clay Lick Ferry, Pleasureville and Point Pleasant, and New Castle and Franklinton Turnpike Companies, be so amended as to permit the aforesaid companies to build turnpike roads with the metal ten feet wide, and otherwise in accordance with the turnpike law now in force in district No. 2, in Henry county.

§ 2. When the aforesaid companies shall build turnpikes with the metal ten feet wide, and otherwise constructed in accordance with the turnpike law, they shall be entitled to receive the same amount of money as is given to other turnpikes built in district No. 2 under the provisions of the turnpike law in Henry county.

§ 3. This act shall take effect and be in force from its passage.

Approved April 1, 1882.

CHAPTER 679.

AN ACT to incorporate the Nicholasville and Paint Lick Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the turnpike road company in the county of <sup>type.</sup> Jessamine, known as the Sulphur Well Branch of the Nicholasville and Kentucky River Turnpike Road Company, be, and is hereby, created a body-politic and corporate, known under the name and style of the "Nicholasville and Paint Lick Turnpike Road Company," separate and distinct from the Nicholasville and Kentucky River Turnpike Road Company, with a common stem, however, of one and a half miles, to be under the control of the turnpike companies aforesaid, under an agreement entered into and of record in the minute-books of the board of directors of each of the companies aforesaid.

§ 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of fifty dollars each, with <sup>Capital stock.</sup> privilege to the directors to increase the same as may be necessary.

§ 3. A book for the subscription of stock in said company for the completion of said turnpike road may be opened under the direction of J. B. Overstreet, W. L. Reynolds, Scott Herspergen, and B. Wolf, the present directors of the said Sulphur Well Branch of the Nicholasville and Kentucky River Turnpike Road Company. The book of subscription shall remain open until the whole capital, or enough to complete the road, shall have been subscribed.

§ 4. There shall be elected as officers of said turnpike <sup>Officers.</sup> road company hereby created, on the first Saturday of May, 1882, a president and four directors, who shall hold their offices for one year, and until their successors shall be duly elected and qualified, and the said directors shall elect a treasurer and such other officers as they may deem necessary, and the treasurer shall continue in office until another shall have been appointed by the board of directors.

§ 5. The president and directors shall take an oath before <sup>Oath.</sup> some justice of the peace or notary public that they will faithfully discharge the duties of their respective offices without favor or affection, to the best of their judgment.

§ 6. That so much of the act, entitled "An act to amend the charter of the Nicholasville and Kentucky River Turnpike Road Company," approved February 11th, 1858, as may be in conflict with this act, is hereby repealed.

§ 7. That the original act incorporating the Nicholasville and Kentucky River Turnpike Road Company, approved March 7th, 1850; is hereby adopted and made a part of this act, except so far as the same may conflict with the provisions of this act, the intention of this clause being to invest said Nicholasville and Paint Lick Turnpike Road Company, hereby incorporated, with all the power and authority, rights and privileges, in the control and management of said turnpike road, that are conferred upon the Nicholasville and Kentucky River Turnpike Road by virtue of the act aforesaid.

§ 8. This act shall take effect from and after its passage.

Approved April 1, 1882.

#### CHAPTER 680.

AN ACT to amend the charter of the town of Rockport, in Ohio county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

License.

§ 1. That the board of trustees of the town of Rockport, in Ohio county, be, and they are hereby, authorized to levy and collect a tax, in the form of a license, on all druggists and tavern-keepers and merchants who sell spirituous, vinous, or malt liquors as a beverage; said license to be not less than that levied by said board of trustees on retail liquor dealers.

§ 2. That the tax so levied by the authority of section one of this act shall be for the benefit of the town, and be collected as other license or tax are collected by the board of trustees of said town.

§ 3. That this act shall not prevent druggists from selling liquors on prescription from regular practicing physicians.

§ 4. That the board of trustees of said town shall have authority to impose a penalty by ordinance, not to exceed one hundred dollars, for violation of the provisions of this act.

§ 5. That all fines for violations of the ordinances of the town, as published by the said board of trustees, shall be col-

lected as other fines are collected by the town authorities for the use of said town.

§ 6. This act to be in force from and after its passage.

Approved April 1, 1882.

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CHAPTER 681.

AN ACT to amend the charter of the town of Sharpsburg, in Bath county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all persons convicted of a violation of the laws or ordinances of the town of Sharpsburg, and adjudged to pay a fine in default of payment, shall be confined in the work-house or other place of safe-keeping, and compelled to work on the streets in said town, or employed at such other work as the police judge may prescribe, until said fine and costs are paid, at the rate of one day's imprisonment for each one dollar of fine; and the said police judge may also prescribe what task shall constitute a day's work.

§ 2. The town marshal shall have charge of all such delinquents, and see that they well and faithfully perform their task; and shall receive such compensation therefor as the board of trustees may determine.

§ 3. This act to be in full force from its passage.

Approved April 1, 1882.

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CHAPTER 682.

AN ACT to provide for the erection of a new court-house and the necessary offices for county officers in Fayette county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the judge of the Fayette county court shall, by an order of record, entered at a regular or special term of said court, submit to the qualified voters of said county, at the general election on the first Monday in August, 1882, the question "whether or not they are in favor of the issuance of bonds of said county to the amount of one hundred thousand dollars for the erection of a new court-house and the necessary offices for county officers in the city of Lexington, May submit to people.

in said county?" Said county judge shall cause said order to be published in a newspaper published in the city of Lexington for thirty days before said election, and a copy of said order to be posted at each voting place in the several election precincts of said county ten days before said election.

Election.

§ 2. It shall be the duty of the officers of the election to open polls at the several voting places in said county at said general election, on the first Monday in August, 1882, for the purpose of taking the sense of the qualified voters of the county upon said question. The clerks of said election shall enter in the poll-books, under the head of "For the new court-house," the names of all those voting for said proposition, and under the head of "Against the new court-house," the names of all those voting against said proposition; and they shall propound to each voter the question, "Are you for or against issuing bonds of the county to the amount of one hundred thousand dollars for the erection of a new court-house?"

May issue bonds.

§ 3. It shall be the duty of the officers who are required by law to compare and certify the returns of said election, to compare and certify the returns of the election herein provided for; and if said officers shall certify that a majority of the votes cast upon said proposition at said election were cast in favor of the issuance of said bonds, it shall be the duty of said county judge to call together the justices of the peace of said county, within fifteen days thereafter, and the said Fayette county court, composed of the judge thereof and a majority of said justices of the peace, shall cause bonds of said county, not to exceed in the aggregate the sum of one hundred thousand dollars, each of a denomination not less than one hundred and not exceeding one thousand dollars, in the discretion of the court, to be executed in printed form, payable to bearer, under the seal of said county, signed by the judge and countersigned by the clerk of said court, payable at such times, in such installments, and at such places, as said court may elect, bearing interest from date, at a rate to be fixed by the court, not exceeding six per cent. per annum, payable semi-annually, with interest coupons attached, which shall be authenticated by the signature of the county court clerk thereto. Said bonds shall be regularly numbered and registered on a book, to be kept by the county court clerk, before they shall be issued.



§ 4. The said county court shall have full power and authority to negotiate the sale of said bonds, or they may, by an order of record, appoint an agent or agents for that purpose, requiring of said agent or agents a bond, with surety, sufficient to secure the amount of the bonds offered for sale; and the proceeds of the sale of said bonds shall be used for the sole purpose of erecting in the city of Lexington a new court-house, and the necessary offices for the county officers of Fayette county: *Provided*, No sale of any bond shall be made at less than par.

§ 5. The proceeds arising from the sale or sales of said bonds shall be deposited in a bank in the city of Lexington, to be designated by the county court, to the credit of Fayette county; and shall be drawn therefrom only by checks signed by the said county judge and the chairman of the building committee.

§ 6. The judge of the Fayette county court and the judge of the Fayette circuit court shall agree upon and select five persons, two of whom shall reside in Fayette county, outside of the city of Lexington; and, when selected, shall by an order of record in their respective courts, at a regular or special term thereof, appoint the same a special commission, to be known as the court-house building committee, whose duty it shall be, and who shall have power and authority, to advertise for plans and specifications for a new court-house, with the necessary court-rooms, jury-rooms, and the necessary offices for county officers of Fayette county; and to adopt a plan and specifications for the construction of the same; to make contracts with a builder or builders, after public advertisement in one of the city papers, and such others as they may see fit, for bids; to direct, control, and superintend the work and construction of the buildings according to the plan and specifications adopted or agreed upon; and to do all things, within the scope of their authority, necessary for the completion of said buildings. No bid shall be considered by said committee unless the same be accompanied by a bond, with good surety, for the faithful performance of the contract; and that the buildings shall be completed within the time fixed for the completion thereof in the contract. Said buildings, including the necessary and appropriate furniture thereof, shall not exceed in cost the sum of one hundred thousand dollars; and said committee may use the material of

Building committee.

the buildings now used for a court-house and county offices in the construction of the new buildings, or sell the same and use the proceeds of the sale thereof for that purpose.

§ 7. At least twenty per cent. of the contract price for said buildings shall be withheld from the contractors until the buildings are completed to the satisfaction of the building committee.

Quorum.

§ 8. A majority of said committee shall constitute a quorum for the transaction of business. They shall be sworn to the faithful discharge of their duties before they shall act.

§ 9. The county court shall provide a suitable place for holding the courts of said county, and for the safe-keeping of the county records during the time of the construction of said buildings, and shall pay for the same out of the county levy.

§ 10. When said buildings are completed, the committee shall cause the same to be delivered to the county court, and it shall be the duty of the county court to make appropriate provision for the care and custody of said buildings, and to prevent waste, injury, or spoliation thereof, and to keep the same in order and cleanliness, and also the grounds adjacent thereto, and the county court shall appropriate out of the county treasury such sums as shall be necessary for that purpose. Any trespass upon or injury to the said buildings or the grounds thereof, or to the trees or shrubbery, shall be a misdemeanor, punishable on conviction by fine and imprisonment, one or both, in the discretion of a jury. The Fayette circuit court shall have jurisdiction of such cases if proceeded against by indictment, and the county judge, if the procedure be by warrant; and in case the procedure be by warrant, as it may be in any case at the option of the county attorney, the fine shall not exceed one hundred dollars, and the imprisonment shall not exceed thirty days.

May levy a tax. § 11. The Fayette county court shall annually levy a tax on the property of said county subject to taxation for State revenue sufficient to pay the annual interest on said bonds, and to pay the bonds themselves at maturity. Said tax shall be collected by the sheriff of said county as other taxes are collected, and he shall hold the same on his official responsibility, subject to the order of said county court. Whenever there shall be a surplus in the hands of the sheriff after payment of the bonds and interest due, the county court may provide for the safe-keeping of the same by deposit in bank,

or by some safe loan or investment as they may deem for the interest of the county.

§ 12. That an act, entitled "An act to authorize and provide for the erection of a new court-house and clerks' offices in Fayette county," approved March 21st, 1871, be, and the same is hereby, repealed.

§ 13. This act shall take effect from its passage.

Approved April 1, 1882.

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### CHAPTER 683.

AN ACT for the benefit of the public roads in Barren, Metcalfe, and Monroe counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That each of the magisterial districts in the counties of Barren, Metcalfe, and Monroe, as now located, are declared to be road districts for the purposes of this act.

§ 2. It shall be the duty of the officers of the election, in August, 1882, to open a poll at each voting place in the counties of Barren, Metcalfe, and Monroe, and to ask each voter whether he votes for or against working the county roads in the district in which he votes, by taxation, and to record the votes; and if a majority of those voting upon this question in any district vote in favor of working the roads by taxation, then the provisions of this act shall be in force in said district; otherwise the present law in relation to public roads shall be in force; and in any district not voting the tax, are, if voting, shall vote against working the public roads by taxation, the question shall be again submitted to the voters thereof, as herein provided, at the next general election, or at any general election thereafter, upon the petition to the county judge of not less than fifty voters residing in any such district.

§ 3. In every district voting to work the roads by taxation, the levy courts of the county in which such district is situated shall, at its first meeting after the tax has been voted, elect, by a majority of the votes cast, a superintendent of county roads in said district, who shall hold his office for two years, and whose duty it shall be to oversee all county roads within his district, keep them in good repair, remove all obstructions

that may be placed upon them, and open or change any road that the county court may direct, as provided in chapter ninety-four of the General Statutes.

§ 4. The superintendent shall hire as many hands as may be necessary to work, in a proper way, the county roads in his district, and oversee them while at work; shall pay the smallest wages possible to secure good hands, and require them to work nine hours each day; may hire the necessary teams, wagons, and plows, and purchase all tools and implements necessary to aid in working the roads, which, when purchased, shall belong to the district: *Provided*, That the amount expended in any district in one year under the provisions of this act, shall not exceed the amount raised in that district by taxation for this purpose.

§ 5. The superintendent shall annually make to the county levy court a full report, showing the amount of money received by him, the roads he has worked, the number of hands employed by him, and wages per day paid; the names of those who worked out part or all of their taxes, the kind and character of tools and implements purchased, and prices paid therefor; the amount expended for the hire of teams, etc.; the number of days he was actually employed, and all other expenses actually incurred by him in the discharge of his duty, and he shall be paid a reasonable compensation for his services, to be fixed by the levy court.

§ 6. The levy court shall, when they fix the county levy, assess a tax not exceeding (\$2) two dollars on each male person over twenty-one (21) years of age, and a tax of not more than ten cents on each (\$100) one hundred dollars' worth of taxable property in every district voting the tax.

§ 7. This tax shall be collected by the sheriff at the same time and manner as the county levy; and he shall pay the tax collected under this act, as soon as collected, to the superintendent, out of the district in which it was collected; and he shall be liable on his official bond for all failures to collect or pay over, as herein provided, the same as in actions against him concerning the collection and payment of the county levy; and if the office of sheriff in any of said counties shall become vacant, the county judge shall have power and authority to appoint a collector for the county, or for any district thereof voting the tax; and such collector, when ap-

pointed, shall execute bond, and be liable the same as sheriffs are in similar cases.

§ 8. Each superintendent, before entering upon the discharge of his duties, shall execute, with good security, in the county court, a bond, conditioned for the faithful performance of all the duties imposed upon him by this act. Said bond shall be of the same character as the bonds executed by the sheriffs, and shall be recorded by the county clerk in his office; and he and his sureties shall be liable on said bond to any person aggrieved by a breach of its conditions.

§ 9. The superintendent shall, in working roads, give the preference first to leading roads in the order that they are most traveled and necessary for the convenience of the public.

§ 10. It shall be the duty of the superintendent in each district to give the refusal of employment upon any of the roads he works to the persons resident in the voting precinct where the work is being done, and who have been assessed for taxation by virtue of the provisions of this act: *Provided*, Such persons can be employed at the same price as other hands of equal efficiency, and the certificate of the superintendent given to such persons shall be taken by the sheriff in payment of, or as a credit upon, the road tax due by such persons. The certificate must show the number of days' services rendered, and the price per day. He shall also hire teams, etc., to aid in working roads from tax payers under this act: *Provided*, He can get them as cheap as from other persons, and shall give them a certificate in payment of such hire, which certificate shall be taken by the sheriff in payment of or as a credit on the road tax due by such persons. The certificate must show what was hired, and the price paid therefor.

§ 11. The superintendent shall not buy or speculate, directly or indirectly, in claims due persons for services or articles furnished under this act; and he shall take from every person to whom he pays money a receipt showing the actual amount paid, and for what so paid, and said receipt shall accompany his report to the court.

§ 12. The county levy court, before paying the county levy in any year, shall first ascertain the amount necessary to be raised for county purposes, exclusive of road claims; and shall only levy on persons living in districts that have voted the

road tax, a sufficient tax to pay their *pro rata* part of the necessary expenses of the county, exclusive of road claims.

§ 13. It shall be the duty of the judges of the county court of each of said counties to have at least five hundred copies of this act printed in plain legible type, and posted at the most conspicuous places in their respective counties.

§ 14. This act shall take effect from its passage.

Approved April 1, 1882.

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#### CHAPTER 684.

AN ACT to repeal an act, entitled "An act for the benefit of Henry Smith, of Warren county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act for the benefit of Henry Smith, of Warren county," approved February 3, 1880, and all acts amendatory thereto, are hereby repealed.

§ 2. This act to take effect and be in force from and after the first day of January, 1883.

Approved April 1, 1882.

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#### CHAPTER 685.

AN ACT for the benefit of Thomas Greer, assessor of Trigg county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. Thomas Greer, assessor of the county of Trigg, shall have further time until the first day of June, 1882, to complete the list of taxable property in said county, and return his tax-book to the county clerk of said county.

§ 2. This act shall take effect from its passage.

Approved April 1, 1882.

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#### CHAPTER 687.

AN ACT to amend an act, entitled "An act to incorporate the Steele's Turnpike Road Company."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the Steele's Turnpike Road Company shall have the right to erect across its line of road two toll-gates, and

collect toll at both of said gates for the distance traveled on said road, in proportion to the rates now fixed by the charter; that is, one gate in addition to the one now on the road. The county judge shall have power to erect a third toll-gate on said road.

§ 2. This act shall take effect from its passage.

Approved April 1, 1882..

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#### CHAPTER 688.

AN ACT to amend the charter of the Wolf Run and Farrow's Mill Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the charter of the Wolf Run and Farrow's Mill Turnpike Road Company, granted by the county court of Mason county, be, and the same is, amended as follows:

§ 1. Said company is authorized to build a bridge over the North Fork of Licking at a point near to and above Farrow's old mill, and to extend its road on the east side of said stream to or beyond the turnpike leading from Maysville to the town of Burtonsville; but said company shall not build its road farther east than the town of Tollsboro, in Lewis county.

§ 2. The county courts of the counties of Mason, Lewis, and Fleming are hereby authorized to subscribe to the capital stock of said company, an addition to the sum subscribed per mile towards its construction, a sum sufficient to build the bridge across the North Fork of Licking, near Farrow's mill.

§ 3. Said company is authorized to build a branch road from Farrow's mill up Farrow's creek to the Maysville and Mt. Carmel Turnpike, or from Farrow's mill, by some suitable route, to the town of Mount Carmel; but it shall not be allowed to undertake to build any extension or branch to its road until money enough is subscribed to complete so much as is undertaken without creating a debt, as said company shall not be allowed to create or incur any debt that cannot be fully paid with money collected, or subscribed which can be collected.

§ 4. Said company is authorized to establish toll-gates and collect tolls according to the rates established by the General Statutes of the State.

§ 5. This act shall take effect and be in force from its passage.

Approved April 1, 1882.

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#### CHAPTER 689.

AN ACT to amend the charter of the Mt. Sterling and Howard's Mills Turnpike Road Company.

WHEREAS, There was an organization under a charter granted by the General Assembly of the Commonwealth of Kentucky, which took effect on the second day of February, 1858, which charter or act was entitled the Mt. Sterling and Howard's Mills Turnpike Road Company, which company opened, made, and completed about two miles of road this side of said mill, and about one and one half miles beyond said mill, leaving some one and one half miles of said road that is not completed, and said stockholders in said road desire to re-organize so that they may complete the unfinished part of said road; and as the charter says elections of directors shall take place annually on first Monday in June; now,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That said charter be so amended that said stockholders in said road may re-organize and hold an election of president and directors of said road on second Monday in February, 1882, and each second Monday in February of each year, unless the time shall be changed by the by-laws of said company; and the original charter, so far as it is conflict with this amendment, is hereby repealed.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1882.

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#### CHAPTER 690.

AN ACT to authorize the county court of Washington county to levy an ad valorem tax for the purpose of building bridges in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county court of Washington county, when composed of the county judge and a majority of the justices of said county, be, and the same is hereby, authorized and



empowered to subscribe stock for the purpose of building, or aid in building, bridges over streams in said county, or over streams bordering on said county; and said court shall have the right, power, and authority to levy and cause to be collected an ad valorem tax on all the taxable property in said county to pay such subscription, not to exceed twenty cents on each one hundred dollars of such taxable property in any one year.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1882.

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#### CHAPTER 691.

AN ACT to regulate the advertising of real estate and personal property under execution sales, sales under decrees or judgments, and sales of real estate for State and county taxes in Anderson county, and fixing the compensation therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all notices of sales of real estate and personal property hereafter made by any sheriff, master or special commissioner, marshal, constable, jailer, coroner, or other officer of Anderson county, under execution or by virtue of judgments or decrees; and all notices of the sittings of the master commissioner for the settlement of the estates of deceased persons, and proceedings under the act of 1856, to distribute the estate of insolvent debtors, are hereby required to be inserted in a weekly newspaper having the largest circulation published in Lawrenceburg, Anderson county, Kentucky; all notices of sales of real estate to be inserted three (3) times previous to the day of sale, and all notices of sales of personal property to be inserted two (2) times previous to the day of sale, and all notices of the sittings of the master commissioner shall be inserted as soon as said master commissioner fixes the day of his sittings, and continue up to the time the same take place, and as often thereafter as said commissioner may deem proper.

§ 2. That hereafter the sheriff or tax collector of Anderson county shall advertise the time and place of sale of land and town lots for State and county taxes in said newspaper for three weeks, by weekly insertions, prior to the time of sale.

§ 3. That the publisher of said newspaper shall be allowed eighty (80) cents per lineal inch, of the usual type of said newspaper, for the first insertion, and forty (40) cents per lineal inch for each subsequent insertion, for such advertisements as are required by the first section of this act, to be taxed and collected as costs in the action or proceeding in the same manner as other costs are now collected; and twenty-five cents for each tract of land or town lot of taxable property advertised as required by section two of this act, the same to be taxed and collected as costs of sale.

§ 4. That in cases where sales are made under judgments or decrees, the court may, in its discretion, direct the advertisement to be made for a longer time.

§ 5. That this act shall apply to Anderson county only, and all laws or parts of laws in conflict herewith, are hereby repealed.

§ 6. That this act shall take effect and be in force from and after its passage.

Approved April 1, 1882.

## CHAPTER 692.

AN ACT to incorporate the Blue-Grass Stock-yards Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

<p>Incorporators.</p> <p>Style.</p> <p>Powers.</p>	<p>§ 1. That C. C. Morgan, Joseph M. Kimbrough, James E. Pepper, and James H. Mulligan, and the subscribers to the stock of this association, and their successors and assigns, shall be, and are hereby declared to be, a body-politic and corporate, by the name and style of the Blue-Grass Stock yards Company, and by that name shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity within or outside of this Commonwealth, with full authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed unto said company for the payment of any debt which may become due to the same, or in satisfaction of any judgment of any court; and to make and use a common seal, and the same to alter and renew at pleas-</p>
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ure, and generally to do and perform all things relative to the object of this institution.

§ 2. That the capital stock of this company shall be any sum to be fixed at any regular meeting of the board of directors, not less than twenty thousand dollars and not more than one hundred thousand dollars, to be divided into shares of one hundred dollars each; and every stockholder shall be entitled to vote on all questions affecting said company at its meetings, and in the elections of directors and other officers, as many votes as he may hold shares of stock. Capital stock.

§ 3. That as soon as one hundred shares are subscribed, said company may organize and proceed to take steps to open books for subscription of stock, and to do such other things as may be necessary to perfect the organization of the company, but the election of officers shall not take place until twenty thousand dollars in stock shall have been subscribed.

§ 4. The transfer of stock may be made by any stockholder, or his legal representatives, subject to such restrictions as the board of directors shall, from time to time, make and establish, subject however to the general laws. Transfer of stock

§ 5. That the principal place of business shall be at or near Lexington, Kentucky, with branch offices and yards at such other places as may be necessary and convenient; and the affairs of said company shall be managed by a board of five directors, all of whom shall be stockholders. Within one month after the amount of two hundred shares shall be subscribed for, and on the second Monday in January in each year thereafter, the stockholders shall hold a meeting for the election of directors, and the directors elected shall continue in office until others have been chosen to succeed them in the trust, and have accepted the same; and in case of a vacancy in the board of directors, it shall be filled by the directors from among the stockholders for the remainder of the year. Principal place of business.

§ 6. The board of directors, immediately upon their election, shall elect a president of said company, who shall be a stockholder; also a treasurer and a secretary, who shall likewise be stockholders, or they may combine the duties of treasurer and secretary in one office, and elect one person to fill said office, or they may dispense with one or both of said officers; but neither the president, treasurer, or secretary shall be members of the board; and the president shall have no Officers.

vote in meetings of the board, but shall, when present, preside over the same.

§ 7. Other corporations may subscribe for and hold stock in said company; and such corporation, in the same way and manner as provided in the case of natural persons, shall be entitled to vote in its affairs and elections.

Purposes.

§ 8. The business of this company shall be the buying and selling, keeping, yarding, feeding, loading and unloading, shipping, receiving, and handling for compensation, hire, and on commission, of horses, cattle, mules, sheep, hogs, and other live stock, and the buying, selling, forwarding, and shipping of feed-stuffs, agricultural produce, and grains of all kinds.

§ 9. Said company, in addition to the real estate necessary for the location of their yards, may buy and acquire such real estate for laying such railway tracks, sidings, switches, and turnouts as may be necessary to connect the yards of said company by railway communication with such railroads as now exists, or as may be hereafter constructed.

By-laws.

§ 10. That the president and board of directors shall, once in every year at least, make a full report on the state of the company and its affairs to a general meeting of the stockholders; and the board of directors may enact by-laws for the regulation of the duties and powers of the officers and agents of the company as provided herein, and make all needful rules and by-laws for the regulation of elections of officers and appointment of agents and servants, and define and limit their powers and compensation; but no such by-laws shall be inconsistent with the general laws of the State or with the Constitution of this State or of the United States. Said company may take from its officers, agents, and employees bond, with adequate security, for the faithful performance of their duties and payment of all moneys that may come to their hands.

May issue bonds.

§ 11. Said company may issue bonds, bearing interest at not exceeding six per cent. per annum, to an amount not exceeding one half the value of the real estate of said company, and secure the same by mortgage upon the real property of the company; and said company shall, by its president and board of directors, annually declare and make such dividends as they may deem proper of the net profits arising from the resources of said company, after deducting the expenses current and probably contingent, and shall divide the

same among the stockholders of the said company in proportion to their respective shares.

§ 12. This act shall take effect from its passage.

Approved April 1, 1882.

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### CHAPTER 693.

AN ACT defining the duties of surveyors of roads in Logan county in regard to tools, implements, machinery, and other property of said county used working said roads, and fixing penalties for violations of the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That each of the present surveyors of roads in Logan county shall, after receiving thirty days' notice, repair to the office of the clerk of the Logan county court, at Russellville, and give to the clerk of said court a list of the tools, implements, machinery, and other property of said county in his possession, used in working roads in said county; and shall leave with said clerk a receipt to the county for the same. Upon the failure of any surveyor, after receiving notice as aforesaid, to comply with the provisions of this section, he shall be fined not less than ten nor more than twenty dollars.

§ 2. That any person resigning, being removed from, or vacating said office of surveyor, shall, within ten days thereafter, deliver to his successor in office, taking his receipt therefor, which shall be filed in the Logan county court clerk's office, all tools, implements, machinery, and other property of said county used for working roads in said county for which he has receipted, or which may have come into his possession in any way; and for failure to do so, he shall be fined not less than ten nor more than twenty dollars, and in addition, shall be liable in a suit to recover the value of said tools, implements, machinery, and other property.

§ 3. The person appointed surveyor of a road shall, within ten days after receiving notice of his appointment, file with the clerk of the Logan county court an inventory of the implements, machinery, and other property of the county in his possession belonging to the road of which said person is surveyor, and for failure so to do, he shall be fined not less than five nor more than ten dollars.

§ 4. Should any person whilst holding said office of surveyor, or after resigning, vacating, or being removed from

vote in meetings of the board, but shall, when present, pre-  
side over the same.

§ 7. Other corporations may subscribe for and hold stock  
in said company; and such corporation, in the same way and  
manner as provided in the case of natural persons, shall be  
entitled to vote in its affairs and elections.

Purposes.

§ 8. The business of this company shall be the buying and  
selling, keeping, yarding, feeding, loading and unloading,  
shipping, receiving, and handling for compensation, hire, and  
on commission, of horses, cattle, mules, sheep, hogs, and other  
live stock, and the buying, selling, forwarding, and shipping  
of feed-stuffs, agricultural produce, and grains of all kinds.

§ 9. Said company, in addition to the real estate necessary  
for the location of their yards, may buy and acquire such  
real estate for laying such railway tracks, sidings, switches,  
and turnouts as may be necessary to connect the yards of  
said company by railway communication with such railroads  
as now exists, or as may be hereafter constructed.

By-laws.

§ 10. That the president and board of directors shall, once  
in every year at least, make a full report on the state of the  
company and its affairs to a general meeting of the stock-  
holders; and the board of directors may enact by-laws for  
the regulation of the duties and powers of the officers and  
agents of the company as provided herein, and make all  
needful rules and by-laws for the regulation of elections of  
officers and appointment of agents and servants, and define  
and limit their powers and compensation; but no such by-  
laws shall be inconsistent with the general laws of the State  
or with the Constitution of this State or of the United States.  
Said company may take from its officers, agents, and employes  
bond, with adequate security, for the faithful performance of  
their duties and payment of all moneys that may come to  
their hands.

May issue bonds.

§ 11. Said company may issue bonds, bearing interest at  
not exceeding six per cent. per annum, to an amount not  
exceeding one half the value of the real estate of said com-  
pany, and secure the same by mortgage upon the real prop-  
erty of the company; and said company shall, by its president  
and board of directors, annually declare and make such divi-  
dends as they may deem proper of the net profits arising  
from the resources of said company, after deducting the ex-  
penses current and probably contingent, and shall divide the

same among the stockholders of the said company in proportion to their respective shares.

§ 12. This act shall take effect from its passage.

Approved April 1, 1882.

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#### CHAPTER 693.

AN ACT defining the duties of surveyors of roads in Logan county in regard to tools, implements, machinery, and other property of said county used working said roads, and fixing penalties for violations of the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That each of the present surveyors of roads in Logan county shall, after receiving thirty days' notice, repair to the office of the clerk of the Logan county court, at Russellville, and give to the clerk of said court a list of the tools, implements, machinery, and other property of said county in his possession, used in working roads in said county; and shall leave with said clerk a receipt to the county for the same. Upon the failure of any surveyor, after receiving notice as aforesaid, to comply with the provisions of this section, he shall be fined not less than ten nor more than twenty dollars.

§ 2. That any person resigning, being removed from, or vacating said office of surveyor, shall, within ten days thereafter, deliver to his successor in office, taking his receipt therefor, which shall be filed in the Logan county court clerk's office, all tools, implements, machinery, and other property of said county used for working roads in said county for which he has receipted, or which may have come into his possession in any way; and for failure to do so, he shall be fined not less than ten nor more than twenty dollars, and in addition, shall be liable in a suit to recover the value of said tools, implements, machinery, and other property.

§ 3. The person appointed surveyor of a road shall, within ten days after receiving notice of his appointment, file with the clerk of the Logan county court an inventory of the implements, machinery, and other property of the county in his possession belonging to the road of which said person is surveyor, and for failure so to do, he shall be fined not less than five nor more than ten dollars.

§ 4. Should any person whilst holding said office of surveyor, or after resigning, vacating, or being removed from

said office, die without having delivered to his successor in office the tools, implements, machinery, and other property belonging to said county, and receipted for by him, or which may otherwise have come into his possession, notice shall be given to the executor, administrator, or personal representative of the person so dying, to deliver the tools, implements, machinery, and other property as aforesaid to the person appointed to fill the vacancy; and upon the failure of said executor, administrator, or personal representative to do so within thirty days after receiving said notice, suit shall be instituted against the said executor, administrator, or personal representative for the value of said tools, implements, machinery, and other property.

§ 5. The clerk of the Logan county court shall keep a book in which shall be recorded the tools, implements, machinery, and other property of Logan county used in working roads in possession of surveyors; when received, and from whom received; also the receipts of surveyors for tools, implements, machinery, and other property received by them. Said clerk shall issue all the notices provided for in this act, and shall deliver them to the sheriff or any constable of Logan county, and take his receipt therefor. The sheriff or constable shall deliver a copy of the notice to the surveyor or other person therein named, and return the original to the clerk's office of the county court, with the time of the service of the copy indorsed thereon, which indorsement shall be evidence of the facts therein stated. The clerk, sheriff, or constable failing to perform the duties prescribed in this section shall be fined two dollars for each neglect.

§ 6. The county judge or any justice of the peace of Logan county shall have jurisdiction in any and all cases arising under this act.

§ 7. The county attorney of Logan county shall see that the provisions of this act are enforced; he shall institute suit against all surveyors or other persons violating the provisions of this act, and he shall collect all fines and judgments, and pay the same to the county court at the first meeting of the court after said collection. Said fines and judgments shall be used by said court in buying the necessary tools, implements, and machinery for working roads in Logan county.

§ 8. At each meeting of the county court of Logan county the judge thereof shall call on the county attorney to report



who has violated any of the provisions of this act; what suits have been brought; the number and amount of fines and judgments recovered, and the amounts collected. Said report shall be spread on the minutes of said court.

§ 9. This act shall take effect and be in force from and after its passage.

Approved April 1, 1882.

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CHAPTER 694.

AN ACT authorizing the purchase of grounds for Federal buildings in the city of Lexington, and ceding to the United States jurisdiction over the same.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the United States Government be, and is hereby, authorized and empowered to purchase and hold ground, within the corporate limits of the city of Lexington, sufficient and suitable for the erection and use of public buildings for occupation as a post office, United States collector's office, and offices for the use of other United States officials and Federal courts in said city.

§ 2. That exclusive jurisdiction over such ground as may be purchased and held for the aforesaid use be, and is hereby, ceded to the United States, so long as they remain the owner thereof, for all purposes, except the administration of the criminal laws of this Commonwealth, and the service of any civil process therein; and shall be exempt from State, county, and city taxes.

§ 3. This act shall take effect from its passage.

Approved April 1, 1882.

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CHAPTER 695.

AN ACT to amend an act, entitled "An act to provide a mechanics' lien law for the city of Louisville and Jefferson county," approved March 2d, 1869.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to provide a mechanics' lien law for the city of Louisville and Jefferson county," ap-

proved March 2d, 1869, be, and it is hereby, amended so as to extend the rights, privileges, and benefits thereof to all persons who shall, at any time, by or under any contract or employment, express or implied, perform labor or furnish materials in decorating, ornamenting, or improving any building or structure in said city or county by means of painting, papering, frescoing, or otherwise.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1882.

#### CHAPTER 696.

AN ACT to amend an act, entitled "An act to empower the county court of Grant county to make subscriptions to the capital stock of turnpike roads in said county," approved May 5th, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That chapter 1461 of the Acts of 1879, entitled "An act to empower the county court of Grant county to make subscriptions to the capital stock of turnpike roads in said county," approved May 5th, 1880, be, and the same is hereby, so amended as to authorize the said court to subscribe not exceeding seven hundred and fifty dollars to each mile of turnpike hereafter built in said county.

§ 2. That section six of said act be so amended as to require the county judge of said county to submit the question of subscribing to the capital stock of said turnpike roads to the qualified voters of said county, which at any time, on the written petition of twenty legal voters of said county requesting him to do so; which order submitting said question shall be spread upon the order-book of the Grant county court at its next regular term; and by adding at the end of said section the following: *Provided*, Said question shall not be submitted oftener than once in twelve months: *And provided further*, That said tax may be levied in any precinct in which, at such election, a majority of the legal votes cast are in favor of such levy, though it fail in the county at large. Said election shall be held, and the result thereof ascertained and declared, in the manner provided in the act to which this is an amendment.

§ 3. That section nine of said act is hereby repealed.

§ 4. This act to take effect and be in force from its passage.

Approved April 1, 1882.

CHAPTER 697.

AN ACT to amend an act, entitled "An act to incorporate the Short Route Railway Transfer Company," which became a law March 7th, 1873.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Short Route Railway Transfer Company, which became a law March 7th, 1873, is hereby amended as follows, to-wit:

§ 2. That the said Short Route Railway Transfer Company shall so fix, regulate, and collect its tolls and charges that the net earnings shall not exceed ten per cent. profit upon the actual money cost of the purchase of property, and the construction of the road, with its depots, switches, and other necessary works; and when the said earnings shall be increased beyond such amount, the rates of freight shall be reduced accordingly.

§ 3. Said corporation shall make no discrimination in charges in transportation over the road in favor of any person, firm, or corporation; but all shall enjoy equal rights and privileges in this respect.

§ 4. Said corporation shall not have the right to condemn property, except such as may be necessary for the construction of its main lines of railroad over the right of way granted it from Preston street to Fourteenth street, both streets included.

§ 5. The right of said corporation to connect its tracks with those of other railroads shall be and is limited to the space lying between Main street and the Ohio river.

§ 6. Said corporation shall so construct its railroad as not to unnecessarily interfere with the navigation of the Ohio river along the city wharf, and so that the landing, loading, and unloading of boats shall not be interfered with; and the location of said railroad from Third street to Fourth street shall not be north of the red line commencing at the southwest corner of Third street and the wharf; and running thence westwardly to a point sixty-four feet south of the southeast corner of Fourth street and the wharf, as shown upon a map on file in the city engineer's office in the city of Louisville.

§ 7. That the exclusive right of said company to the space lying south of the right granted to said company by the gen-

eral council of the city of Louisville be limited to twenty (20) years from the 9th day of December, 1881.

§ 8. Any provisions of the ordinances of the city of Louisville, so far as the same is in conflict with this act, are hereby declared null and void.

§ 9. This act shall take effect from and after its passage.

Approved April 1, 1882.

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#### CHAPTER 698.

AN ACT for the benefit of A. B. Miller, of Daviess county.

WHEREAS, A. B. Miller, deputy sberiff and tax collector of Daviess county for the years of 1877 and 1878, did pay into the Treasury the sum of eighty dollars as the tax due on the property of J. H. Barrett & Co.; and as he never did collect the tax, as he was enjoined from collecting the same; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of A. B. Miller for eighty dollars (\$80), being the amount said Miller paid into the Treasury as the tax on the property of J. H. Barrett & Co., and which he never collected, as shown in the records now in the office of Clerk of Court of Appeals.

§ 2. This act shall take effect from its passage.

Approved April 1, 1882.

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#### CHAPTER 699.

AN ACT to amend an act, entitled "An act for the benefit of the Kelly and Eminence Turnpike Road Company, in Henry county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the directors of said Kelly and Eminence Turnpike Road Company shall have the right to erect a toll-gate on said road at or near Bellvue depot, and may collect tolls at said gate from persons traveling or driving stock over said road. The erection of this gate, and collection of tolls thereat, shall not interfere with their right to collect tolls at the gate now established on said road: *Provided*, That the tolls so

charged and collected at either gate shall only be for the actual distance traveled on said road, and in proportion to the rates now fixed by the act to which this is an amendment.

§ 2. This act shall take effect and be in force from its passage.

Approved April 1, 1883.

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#### CHAPTER 700.

AN ACT to amend the charter of the Bourbon Mills Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the Bourbon Mills Turnpike Road Company be, and the same is hereby, amended so that the width of the metal in said road shall not be less than fourteen feet ; and the said company shall have power and authority, if in their discretion they see proper, to erect two (2) half toll gates on the line of said road ; but the rate of toll for the distance traveled shall in no case exceed that allowed in the original charter.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1882.

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#### CHAPTER 701.

AN ACT to amend the charter of the Hanging Fork and Green River Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be lawful for the Hanging Fork and Green River Turnpike Road Company to construct a bridge across the Hanging Fork at the point where its road crosses that stream, and to exact and collect the same rate of tolls of persons crossing the same as it now collects for travel over half the length of its road.

§ 2. This act shall be in force from its passage.

Approved April 1, 1882.

## CHAPTER 702.

AN ACT to change the boundary of the town of Milton, in Trimble county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the boundary of the town of Milton, in Trimble county, shall be the same specified in a plat and description of said town recorded in the office of the county clerk of Trimble county on the 9th day of February, 1846.

§ 2. This act shall not take effect until the proposition to change the boundary of said town has been submitted to a vote of the qualified voters residing within the present corporate limits. For the purpose of taking said vote it shall be the duty of the county judge of Trimble county to fix a day therefor, by order duly entered of record, and to give at least ten days' notice of the time fixed, by publication in a newspaper published in said town. If at said election a majority of the votes cast are in favor of the proposed change, then this act shall be in force from the date of said election. The poll-book of said election shall be returned to the county judge, and compared by him. It shall also be his duty to designate the persons by whom said election shall be held.

Approved April 1, 1882

## CHAPTER 703.

AN ACT to incorporate the Nicholasville and Clear Creek Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company shall be, and is hereby, incorporated for the purpose of constructing a turnpike road from the Lexington, Harrodsburg and Perryville Turnpike, at or near the corner of the lands of A. G. Woods and James W. Guyn, and running with or near the old Frankfort Road to a point at or near A. M. Young's, on the Versailles and Nicholasville Turnpike, whose capital stock shall be ten thousand dollars, in shares of fifty dollars each.

Capital stock.

§ 2. That a book of subscription for the stock of said company shall be opened in the town of Nicholasville, on the first Monday in April next, under the superintendence of Henry C. Horsporger, Jas. Hutcherson, E. J. Mosely, Chas.

Mahin, Chas. Holloway, and Wm. S. Shields, or some one or more of them, who are hereby appointed commissioners; and the subscribers of the stock of said company shall enter into the following obligation in said book, viz: We, whose names are hereunto subscribed, do hereby bind ourselves to pay to the president and directors of the Nicholasville and Clear Creek Turnpike Road Company the sum of fifty dollars for each and every share of stock in said company set opposite to our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company. Commissioners.

§ 3. That when sixty shares of the capital stock of said company shall have been subscribed, the commissioners aforesaid, or any one or more of them, shall call a meeting of the subscribers, to be held in the town of Nicholasville on some day to be fixed by them, of which meeting they shall give at least fifteen days' notice by posting the same at the courthouse door in the town of Nicholasville, for the purpose of electing a president and five directors, to serve until others are elected and qualified; and that all future elections shall be on the first Saturday in April in every successive year, at such place as the president and directors for the time being shall designate. Each stockholder shall be entitled to one vote for each share of stock held by him.

§ 4. That the company formed and organized as aforesaid shall be, and they are hereby, created a body-politic and corporate, in deed and in law, forever, by the name and style of the president and directors of the Nicholasville and Clear Creek Turnpike Road Company, and under the said style and name shall have perpetual succession, and all the privileges, immunities, and franchises of a body-politic and corporate, and as such shall be capable of contracting and being contracted with; of purchasing, taking, and holding, to them and their successors and assigns, and of selling and conveying in fee-simple, all such lands and tenements and estate, real, personal, and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatsoever. Style.

§ 5. That the president and directors of said turnpike road company shall be governed in the location and construction of said road, as also in all other respects by the provisions

of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to amend and reduce into one the several acts to incorporate a company to turnpike a road from Frankfort to Lexington by way of Versailles," approved February 14th, 1835, which do not conflict with the provisions of this act, and they are hereby vested with all the power and authority, rights and privileges, tolls, emoluments, that are granted to the president and managers of the Frankfort, Lexington and Versailles Turnpike Road Company by the above recited act; and they are also empowered with all the rights, privileges, and benefits of the act, entitled "An act for the benefit of the several turnpike road companies in this Commonwealth," approved February 9th, 1837.

§ 6. That said road shall be leveled and graded twenty feet in width, and its greatest elevation shall not exceed four degrees; the part to be covered with macadamized stone shall be fifteen feet in width, and twelve inches in depth in the center, and not less than four inches on the side.

§ 7. That as soon as said road is finished from the Lexington, Harrodsburg and Perryville Turnpike Road to the turnpike leading from Keene to Troy, said company is hereby authorized to erect a gate across said road, and exact tolls for traveling thereon in proportion to the rate of five miles travel thereon.

County subscrip-  
tion. § 8. That the county court of Jessamine county are hereby authorized to take any amount of stock in said company they may deem proper.

§ 9. This act to take effect on and after its passage.

Approved April 1, 1882.

## CHAPTER 705.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in Tunnel City, in Lincoln county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall not be lawful for any person to either directly or indirectly vend, sell, or give any spirituous, vinous, or malt liquors, or a mixture thereof, within the corporate limits of Tunnel City, or within two miles of the depot in said city.



§ 2. For any violation of this act the person or persons so offending shall be fined twenty dollars for each offense, to be recovered by warrant issued by the police judge of said city, or judge of the county court of Lincoln county, or any justice of the peace of said county. Such warrant shall be issued in the name of the Commonwealth; and full power is given to any such officer to try any violation of this act that may occur within said corporate limits, or within a radius of two miles from the depot now situated in said city; and the same proceedings shall be had upon a judgment rendered by any of the above-enumerated officers as if rendered by a criminal or circuit court for the same offense.

Fine.

Limits.

§ 3. All fines collected under the provisions of this act shall be paid into the treasury of said city.

§ 4. This act shall not affect any one now selling under a license until the expiration of said license.

§ 5. *Provided, however,* That this act shall not be in full force and effect until the same shall have been submitted to the qualified voters included within the boundary herein designated. Said vote shall be taken on the first Saturday in June next, between the hours of six in the morning and seven o'clock in the evening; and said election shall be held under the supervision of a clerk and two judges, all of whom are residents of said district, who shall be appointed by the board of trustees of said city, and sworn as officers of other elections.

Submitted to people.

§ 6. Before the holding of said election, at least three written notices shall be posted in the most conspicuous places in said city at least ten days before said election, giving the time and place where said election is to be held.

§ 7. If a majority of those voting at said election be in favor of said act, then it shall be in full and effect as soon as said majority is ascertained and certified by the clerk and judges of said election to the board of trustees of said city, which board of trustees shall publicly post the same in the three public places in said city.

Approved April 1, 1882.

## CHAPTER 706.

AN ACT to incorporate the Simpson's Creek and Mill Creek Turnpike Road Company, of Nelson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That a company may be formed and created a body-politic and corporate, by the name and style of the Simpson's Creek and Mill Creek Turnpike Road Company, for the purpose of making a turnpike road from the Colonel Allen farm (now S. F. Wilkerson's), on the Bardstown and Bloomfield Turnpike Road, to Cane Run bridge, on the Bardstown and Springfield Turnpike Road, near Batland.

§ 2. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each.

§ 3. The books for subscription of stock shall be opened by W. M. Humphrey, W. B. Wilkerson, Frank Offutt, S. F. Wilkerson, H. A. Humphrey, W. D. Huston, John W. Wilkerson, A. P. Johnson, W. H. Dodson, Jo. B. Marshall, Wm. J. Crume, John Y. Milton, D. Clinton Wood, Henry Hagan, Jas. Higdon, and Milton Greer, who are hereby appointed commissioners for said purpose, at such times and places as they, or a majority of them, may deem proper. When the sum of five thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this section, or those who will act, to give notice, in such manner as they may think proper, for a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the president and directors; and a majority of the board shall be competent to transact business.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic and corporate, in fact and in law, under the name and style of the president and directors of the Simpson's Creek and Mill Creek Turnpike Road Company; and by that name shall have perpetual succession, and all the privileges and franchises inci-

-dent to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase or gift, all such lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of their work, or the objects of their corporation; they shall have power to contract or be contracted with, to sue and be sued, to plead and be impleaded, answer and be answered, in any court of law or equity or elsewhere; also to have and use a common seal; and generally to do all and any act, matter, or thing which a corporation may lawfully do to effect the objects for which this corporation is created.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, the width of the part thereof to be covered with stone or gravel: *Provided*, The whole width of the road shall not exceed twenty-five feet; shall designate the place to erect a toll-gate; may fix the rates of toll, may regulate and change the same; but said rates shall not exceed those prescribed by the general law. The president and directors shall have power, after three miles of said road shall have been completed, to erect a gate and collect toll, and shall apply the proceeds thereof to the completion and repairs of the road.

§ 6. The president and directors, with their surveyors, engineers, artists, and chain-carriers, are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass, and to examine and survey the ground most proper for that purpose; to examine quarries or beds of stone, gravel, and other material necessary for the construction of said road.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, workmen, with their tools, instruments, carts, wagons and other carriages, and their beasts of draught or burden, to enter upon the land, in and over, contiguous and near to, which said road shall pass, having first given notice of their intention to the owner and occupiers thereof, or their agents: *Provided*, That if the president and directors shall not agree with the owners of the land through which said road is to pass as to the damages which the owners may sustain by the road passing through their lands, the president and directors shall apply to the

county court of Nelson county for a writ of *ad quod damnum* to assess the damages which may be sustained by the owners of said land; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or any other material necessary for the construction or repairing of said road.

§ 8. The president shall give notice, in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall neglect to pay his amount of stock so called for for the space of thirty days after the time of payment, such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month for every delay of payment; and if he shall fail to pay the amount of call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, together with the amount he shall have paid thereon: *Provided*, That no stockholder shall vote at any election, or be entitled to any rights of as member of said company, unless the whole amount due and payable as aforesaid on each share by him held shall have been paid agreeable to the requisition of the president.

§ 9. The president and directors shall appoint a treasurer and such other officers as they may deem necessary, with such compensation for their services as the president and directors may deem just, who shall continue in the offices for one year, and until others shall be appointed and qualified. The treasurer of said company, before he enters on the duties of his office, shall give bond and security, in such penalty as the president and directors may require, payable to them, conditioned to pay over any amount in his hands to the order of the president and directors.

§ 10. That if any person shall go around or turn off from said road, with the fraudulent intent of avoiding the payment of toll as fixed by the president and directors aforesaid, he or they shall, on conviction thereof before a justice of the peace of Nelson county, be fined five dollars, to be collected as

-other sums under the jurisdiction of justices of the peace of this Commonwealth.

§ 11. The county court of Nelson county shall have power, a majority of the justices concurring, to subscribe a sum, not exceeding five hundred dollars per mile, to the capital stock of said road, to be regarded as other stock.

§ 12. This act shall take effect from its passage.

Approved April 1, 1882.

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#### CHAPTER 707.

AN ACT to provide for the better repair of turnpike roads in Henry county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That when three citizens and housekeepers of Henry county notify in writing the county judge of said county that any turnpike road on which toll is being charged or collected is out of repair, describing in a general way the portion out of repair, and giving the name of the president of the company owning or operating the road, or if no president, the name of the owner of, or one of the lessees controlling the road, it shall be the duty of the judge to issue forthwith, against the person named in the notice, a summons in the name of the Commonwealth, directed to the sheriff or any constable of Henry county, commanding him to summon at once the person named in the notice to appear before him at New Castle, on the Monday following the service of the summons upon him, to show cause why persons should not be permitted to travel on the road without paying toll.

§ 2. The judge shall have the power to summon witnesses; before rendering judgment, shall hear proof from both parties, if present; and if he believes from the evidence that any part of the road is out of repair, he will say in his judgment what portion, and direct that the gate or gates nearest thereto be thrown open. The company, owner, or lessees shall, within twelve hours thereafter, throw open the gate or gates designated in the judgment, and shall not charge or collect toll at a gate or gates directed to be thrown open, nor within one mile thereof, until they put the road declared out of repair in good repair.

§ 3. If the company, owner, or lessees fail for ninety days after judgment to put their road declared out of repair in good repair, they shall be deemed to have abandoned the entire line of road, and it shall after that time be a county road, and worked as other county roads.

§ 4. If any person shall charge or collect toll at any gate or gates ordered to be thrown open under the provisions of this act, or at any gate within one mile thereof, until the road has been put in good repair, or shall charge or collect toll on any road when the company, owner, or lessees have failed to put the road in good repair, for the space of time provided in section three of this act, the person so charging or collecting toll shall be fined, upon conviction before the county judge, not less than twenty and not more than fifty dollars for each offense. The offending shall be prosecuted by warrant issued by the county judge in the name of the Commonwealth of Kentucky, and it is made the duty of the county attorney to represent the prosecution in all cases arising under this act.

§ 5. If from any cause the county judge can not discharge the duties imposed by this act, the magistrate living nearest the county-seat shall act for him and in his stead.

§ 6. Either party may take an appeal from the judgment of the county judge within sixty days, as provided in section 724 of Civil Code, to the circuit court, and section 726 of the Civil Code shall regulate proceeding in circuit court; but if the defendant takes the appeal, he shall, before doing so, execute before the clerk of the circuit court a bond to the Commonwealth of Kentucky, with good security, conditioned that he will successfully prosecute said appeal, or failing, pay cost and damage; and if the judgment of the county judge be affirmed in part or in whole, he and his sureties shall be liable on said bond for all costs incurred in both courts, and all damage that any person has sustained by reason of the appeal.

§ 7. This act shall only apply to turnpike roads that the county contributed to build under the provisions of the turnpike law of Henry county, and shall take effect and be in force from its passage.

Approved April 1, 1882.

## CHAPTER 708.

AN ACT for the benefit of, and to amend the charter of, the Blue Lick Turnpike Road Company.

WHEREAS, The Blue Lick Turnpike Road Company, incorporated February 24th, 1869, undertook to build a turnpike road leading from the Louisville and Shepherdsville Turnpike Road, at or near the point where the New-cut road leading from Shepherdsville to Louisville intersects it, and running thence with or near the New-cut road to the old coal bank, in Bullitt county; thence to the school house near H. B. North's; thence with or near the old county road to the gap in the knob, in Bullitt county; which is still unfinished, and the work on said road was stopped because of a failure of means in the hands of said company to carry on the said work to its final completion, and was left in such condition at the time work was stopped on same that the company is not allowed to collect tolls on any portion of said road; and whereas, the said company had become indebted to some of its stockholders, and to other parties, in such sums as it was unable to pay without a sale of its road-bed, franchises, and charter privileges; and in order to pay said debts, under and by virtue of an act, entitled "An act for the benefit of, and to amend the charter of, the Blue Lick Turnpike Road Company," approved February twenty-third, 1878, authorizing the sale of said road-bed, franchises, and chartered privileges, a petition was filed in the Bullitt circuit court by one S. D. Brooks and other creditors of said company, to subject said road-bed, franchises, and chartered privileges to the payment of their debts, and obtained a judgment for the sale of said road-bed, franchises, and chartered privileges; and thereafter the said property was sold by the master commissioner of the Bullitt circuit court, at the courthouse door in Shepherdsville, and the said S. D. Brooks became the purchaser of same, and thereafter obtained a deed from the commissioner of said court, conveying to him the said road-bed, franchises, and chartered privileges, as directed by the judgment of the court aforesaid; and whereas, the said S. D. Brooks has, for a valuable consideration, conveyed to the following named parties: C. N. Sanders, S. N. Brooks, D. F. Brooks, A. F. Brooks, Edward C. Preston, and W. B. M. Brooks, the said road-bed, franchises, and chartered privileges, the said parties being original stockholders in the said

company; now, in order to enable the said parties to finish and complete the said turnpike road,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the proceedings had in the Bullitt circuit court, under and by virtue of which the road-bed, franchises, and chartered privileges were sold, are hereby declared legal and valid.

§ 2. That the said G. N. Sanders, S. N. Brooks, D. F. Brooks, A. F. Brooks, Edward C. Preston, and W. B. M. Brooks shall, within thirty days after the passage of this act, meet at such a place as they may think proper, for the purpose of electing a president and four directors. One vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time and place of each election thereafter shall be fixed by the president and directors, a majority of whom shall be competent to do business.

§ 3: The said G. N. Sanders, S. N. Brooks, D. F. Brooks, A. F. Brooks, Edward C. Preston, and W. B. M. Brooks are authorized to open books for additional subscriptions to the capital stock of said company at such times and places as they may deem proper; and subscriptions made and entered in said book or books, signed by the party subscribing for same, shall be collected as other debts.

§ 4. All the provisions embodied in the act incorporating the Blue Lick Turnpike Road Company, approved February 24th, 1869, and all amendments thereto (except so much of the amendment approved February 23d, 1878, as authorized the sale of road-bed, franchises, and chartered privileges), are made a part of this act.

§ 5. This act shall take effect from its passage.

Approved April 1, 1882.

## CHAPTER 709.

AN ACT to incorporate Lamasco, in Lyon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the town of Lamasco, in Lyon county, Kentucky, be, and the same is hereby, incorporated, with the following



boundary, to-wit: Beginning at and including John S. Parker; running thence and including Charles C. Bull; thence to and including James M. Early; thence to and including Minus Cotton; thence to and including Robert Gray; thence to and including John H. Spurlin; thence to and including Levi Jones; thence to and including J. W. Vinon; thence to the beginning. That the inhabitants of said boundary be, and they are hereby, created a body-politic, with perpetual succession, with power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended, by the name of the town of Lamasco; and to have a corporate seal.

## ARTICLE II.

*Officers and Elections.*

§ 1. That the municipal government of said town shall consist of the board of trustees of Lamasco, composed of five persons, one of whom shall, at the first regular meeting of said board of trustees, be by them selected, in such manner as they, or a majority of them, shall determine, to preside over their meetings; and he shall be styled chairman of the board of trustees of Lamasco; and the following named persons, to-wit: N. N. Rice, W. W. Thaeler, Minus Cotton, Robert Gray, C. C. Cummins are hereby appointed and constituted such board of trustees, who shall hold their office until the 6th day of May, 1882, and until their successors are duly elected and qualified as hereinafter prescribed.

§ 2. That the said board of trustees and their successors shall be a body-politic and corporate, and shall be known and called by the name of and style of "The Board of Trustees of Lamasco;" and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts and places; and of taking, holding, purchasing, leasing, and conveying such real, personal, and mixed estate as the purposes of the town may require, within or without the limits aforesaid; they may or may not have a corporate seal. Said trustees herein mentioned shall, before they enter upon the duties of their office, be duly sworn by some justice of the peace for said county or other officer of the town or county authorized

by law to administer an oath, that they shall faithfully discharge the duties of said office.

§ 3. That all the legislative power and authority of said town, together with the fiscal, prudential, and municipal concerns thereof, and the government and control of the same, shall be vested in said board of trustees.

§ 4. That the other officers of said town shall be as follows: a clerk, a police judge, an attorney, a treasurer, a marshal, and assessor, and such other officers as the board of trustees may, from time to time, direct and appoint.

§ 5. That an election shall be held in said town on the first Saturday in May, and every year thereafter, except for police judge, which shall be every two years, at such place as the board of trustees may appoint, and of which ten days' previous public notice shall be given in written or printed notices posted in four public places in said town by the town clerk.

§ 6. That at the said election there shall be elected by the qualified voters of said town five trustees, a police judge, one marshal, and one assessor; and the person or persons having the highest number of votes cast at said election for either of such offices shall be declared elected.

§ 7. That the officers elected by the people under this act shall respectively hold their offices for one year, except the police judge and marshal, which shall be for two years, and until the election and qualification of their successors respectively. All other officers mentioned in this act, and not otherwise specially provided for, may be appointed by the board of trustees at the first regular meeting thereof after the election, or as soon thereafter as may be, and respectively continue in office one year, and until the appointment and qualification of their successors; but the board of trustees may appoint night and day watchmen, policemen, firemen, surveyors, gaugers, weighers, and inspectors, and other like officers, to continue in office during the pleasure of the board of trustees. Officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors. If there should be a failure by the people to elect any officers herein required to be elected, the board of trustees may appoint such officers, or forthwith order a new election.

§ 8. That every person appointed to office by the board of trustees, or elected by the people, may be removed from such

office by a vote of a majority of all the members of the board of trustees; but no officer who has been elected by the people shall be removed except for cause, nor unless first furnished with the charges, and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses, and the production of papers when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the board of trustees may declare the office vacant.

§ 9. That whenever any vacancy shall happen by the death, removal, resignation, or otherwise of any officer elected by the people, such vacancy shall be filled by a new election within ten days after the happening of such vacancy. Any vacancy occurring by death, removal, resignation, or otherwise of any officer appointed by the board of trustees, may be filled by appointment of the board of trustees.

§ 10. That all free male citizens of the United States who are entitled to vote for town officers elective by the people under this act, shall be qualified to hold any office created by this act, except as is hereinafter in this act provided; but no person shall be eligible to hold any office created by this act, or any subsequent act hereto in relation to said town, who shall, at the time of his election, be a defaulter to said town, or who, being a collector or keeper of the corporation funds, has not settled with the board of trustees of said town and obtained a quietus; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for ten days after demand made, to account for and pay over to the person or party authorized to receive the same, any public money which may have come to his hands; nor shall any person be eligible to hold the office of trustee in said town who is not, at the time of his election, a citizen and owner of real estate in said town, and has resided in said town for at least one year next preceding his election.

§ 11. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot in such manner as the board of trustees may direct, and in the presence of the board of trustees and at least three other persons.

§ 12. That the board of trustees shall, before every town election, appoint suitable persons as officers of election—two.

persons as judges, one as sheriff, one as clerk, and, if practicable, the officers shall be selected in equal numbers from the principal parties; but no person who is a candidate for election to any office which is to be voted for in said election shall be an officer of said election. Officers of town elections shall perform similar services, and be entitled to like pay, as officers at State elections, and shall be governed in all matters, not inconsistent with this act, and be liable to the penalties imposed, by the laws of this Commonwealth.

§ 13. That all elections by the qualified voters of the town shall be held between the hours of seven o'clock in the morning and six o'clock in the evening.

§ 14. That every free male citizen of the United States over twenty-one years of age, resident of this State two years, or in the county of Lyon one year, and in said town six months, shall be qualified to vote for any town officer elective by the people.

§ 15. That all laws in force in this Commonwealth punishing illegal voting at the State elections, shall apply to illegal voting in the town of Lamasco, for any officer, subject, however, to all the provisions of this act touching the qualifications of voters.

§ 16. That the board of trustees shall judge of the qualifications, elections, and returns, of its members; and cases of contested elections for any town officer elective by the people shall be heard and determined by the board of trustees, under such rules as may be prescribed by the by-laws or ordinances.

§ 17. That the out-going town clerk shall, immediately after the election, certify to the Secretary of State the name of the person elected for police judge of said town; and the Governor of this Commonwealth shall issue a commission to said officer, which shall by him be filed with the clerk of the Lyon county court, and shall be a part of the county record; the county clerk, for filing said commission and entering the same upon the record, shall be paid fifty cents by the officer filing the same.

§ 18. The poll-books of all elections in the town shall be returned by the sheriff of election to the clerk of the town, who shall keep them on file as a part of the records of his office, examine and compare the same, and issue certificates

to the officers elected, which certificates shall, before being delivered, be spread on the records of the board of trustees.

§ 19. The officers to hold the first election which may be held under this act shall be appointed by the acting board of trustees of Lamasco at the time of such election, and such officers shall be two judges, a clerk, and sheriff of such election; and such election shall be conducted in the way and manner prescribed by this act for elections; and the acting clerk of the town at the time such election shall be held shall certify to the Governor of this State the name of the person who may be elected police judge of said town.

### ARTICLE III.

#### *Powers and Duties of Officers.*

§ 1. That every person elected or appointed to an executive, judicial, or administrative office under this act shall, before he enters upon the duties of his office, take and subscribe before the presiding judge of the Lyon county court, justice of the peace for said county, or other officer authorized to administer an oath, the oath of office prescribed by the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

§ 2. The chairman of the board of trustees shall preside over the meetings of the board of trustees, and take care that the laws of the Commonwealth, and the by-laws and ordinances of the town, are duly enforced, respected, and obeyed, and that all the other executive officers of the town discharge their respective duties. The chairman shall likewise have the power to perform the duties of the police judge in all criminal and penal actions in cases where, from a vacancy in the office of police judge, or from absence, sickness, or other cause, the police judge not or cannot act; and he shall have the same fees therefor as the police judge is allowed, but he shall account for and pay over to the town treasurer, when required by the treasurer, all fines or other moneys received by him in his judicial capacity.

§ 3. That in case of vacancy in the office of chairman, or of his being unable to perform his duties by reason of temporary or continued absence or sickness, the board of trustees shall appoint one of their number, whose official designation shall be acting chairman; and the trustee so appointed shall be vested with all the powers, and perform all the duties, of

chairman, except in regard to acting as police judge, until the chairman shall resume his office, or the vacancy be filled by a new election.

§ 4. That the clerk shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend, and copies of all papers duly filed in his office; and transcripts from the records of the proceedings of the board of trustees, certified by him, shall be evidence in all courts. He shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose.

§ 5. That it shall be the duty of the town attorney to perform all professional services incident to the office, and, when required, to furnish written opinions upon subjects submitted to him by the board of trustees or its committees.

§ 6. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of receipts and expenditures in such manner as the board of trustees may direct. All moneys shall be drawn from the treasury by warrant from the chairman, or acting chairman of the board of trustees, and countersigned by the clerk; such warrants shall specify for what purpose the amount specified therein shall be paid. The treasurer shall exhibit to the board of trustees on the first day of May of each year, and oftener, if required, a full and detailed account of all receipts and expenditures, after the date of the last report; and also the state of the treasury, which account shall be filed in the office of the clerk.

§ 7. That it shall be the duty of the marshal to attend all the sessions of the police court; and to give the town attorney previous notice of any proceeding in that court to which it is his duty to attend; and to attend to the procuring of evidence in cases in which the town or the board of trustees of Lamasco is a party within the limits of the town; in all matters of a criminal nature arising under the by-laws or ordinances of said town, or the laws of the Commonwealth, he shall possess the same powers as sheriffs and constables. He shall execute all process, civil and criminal, issued and to him directed by the chairman of the board of trustees, the police judge, the presiding judge of the Lyon county court, or any justice of the peace. He shall possess the power and authority of a constable under the statutes of this Commonwealth; and his

powers for discharging his duty shall be co extensive with Lyon county. He shall be entitled, as compensation, to the same fees allowed by law to constables and sheriffs for similar services, to be collectable in the same manner as constables and sheriffs' fee-bills are; for other services he shall be entitled to such fees and compensation as the board of trustees may designate by by-law or ordinance. He shall be liable in the same cases, way, and manner, and to the same extent, to be prosecuted in the same manner, as sheriffs and constables are. He shall perform such other duties, not inconsistent with this act, and make such returns and reports of his acts, as may be prescribed by ordinance or by-law, and as hereinafter prescribed. He may or may not be appointed collector, but if he is, he shall be required to give, in addition to the marshal's bond, a bond as collector.

§ 8. That it shall be the duty of the collector to collect all taxes and assessments, which may be levied by the board of trustees, and perform such other duties as may be herein prescribed or required by the board of trustees: *Provided*, That the board of trustees shall have power to require all license money to be paid directly to the treasurer, or to appoint some other person other than the collector to collect such money.

§ 9. That the assessor shall perform all the duties which the board of trustees may by by-laws or ordinance prescribe in relation to the assessing of property for the purpose of levying the taxes imposed by the board of trustees.

§ 10. That the board of trustees shall have power from time to time, and at all times, to require further and other duties, and fix the compensation of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation.

§ 11. That the police judge, treasurer, collector, and marshal shall severally, before they enter on the duties of their respective offices, execute a bond payable to the board of trustees of Lamasco, in such sum, with such conditions and sureties as the board of trustees may approve, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money or other property that may come to their hands as such officers respectively, which bonds

with the approval of the board of trustees, certified thereon by the clerk, shall be filed and carefully kept in the office of the clerk of the Lyon county court.

§ 12. That the board of trustees of Lamasco, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or motion against the said officer by whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representatives, heirs, or devisees of any or either of them, as now provided by law for sheriffs and constables, and the bonds, or any or either of them, shall not be satisfied or void by the first or any other recovery until the board of trustees of Lamasco and every person aggrieved by the acts or omissions of such officer shall have been recompensed.

§ 13. That if any person having been an officer in said town shall not, within ten days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay for the use of the town one hundred dollars, besides all costs and damages caused by his neglect or refusal so to deliver.

#### ARTICLE IV.

##### *Police Court.*

§ 1. That there shall be established in said town a court to be styled the Lamasco police court, which shall be held by one judge, to be styled the judge of the Lamasco police court, who shall be elected as is hereinbefore provided.

§ 2. That the Lamasco police court shall have exclusive original jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, without the intervention of a jury, and concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town. Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court to appear and answer the same that the circuit courts have; like power to take the bond as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same; and shall have the power of two justices of the peace as an examining court.



§ 3. That the judge of said court shall be a conservator of the public peace, and may order arrests for all offenses against the laws of the Commonwealth, or by laws and ordinances of the town, and for those committed within his presence, may order arrests without warrant, the person to be dealt with according to the laws of the Commonwealth, or the by-laws and ordinances of the town. If he think it necessary, he may detain any person or persons so offending in custody in the county jail or other safe place.

§ 4. That the police court shall be holden at such place as the board of trustees may designate ; or, they failing to designate and provide a suitable place, at such place as the judge may select in said town. The judge shall have power to fix the time of holding court for the trial of criminal or penal cases, as in his discretion the business before him may seem to require.

§ 5. That the police court shall be a court of record, and the judge thereof shall act as clerk ; and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court of this Commonwealth.

§ 6. That all proceedings in, and process from, the police court shall be in the name of the Commonwealth of Kentucky. The process shall be made returnable to the police court, and may be directed to the town marshal ; but the judge may direct the process to any constable, sheriff, jailer, coroner, or policeman ; and the person executing the process of said court shall be entitled to the fees for the like services, and to the like remedy for the collection thereof, as the constables and sheriffs of this Commonwealth, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

§ 7. That the fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky, and those in favor of the town of Lamasco, or of the board of trustees of Lamasco, are hereby granted to the town of Lamasco.

§ 8. That all fines and forfeitures recovered in the police court are to be collected by the marshal or other officer to whom execution or *capias pro fine* is directed, and to be paid by him to the town treasurer ; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the police court, who shall pay the same to the town treasurer.

§ 9. That the defendant shall have a right, at any time, to replevy, for three months, any judgment, fine, or forfeiture of the police court, or execution or other final process thereon, by giving bond, with good security, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

§ 10. That a return of not found on a *capias pro fine*, and of no property on a writ of *feri facias*, issued on any judgment in the police court, shall authorize an attachment out of equity in favor of the board of trustees of Lamasco against the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit courts.

§ 11. That upon all judgments for fines rendered by the police court, whether in favor of the Commonwealth of Kentucky, or of the town of Lamasco, or of the board of trustees of Lamasco, and which shall not be paid at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same shall be paid; but the imprisonment shall not exceed one day for every two dollars of such fine.

§ 12. That in all cases in said police court where, by the laws of this Commonwealth, this act, or the by-laws or ordinances of said town, the punishment is, in whole or in part, imprisonment, the police court shall have the power to imprison the person convicted of a violation of said laws, this act, or said by-laws or ordinances in the Lyon county jail for any time not exceeding fifty days specified by said laws, this act, or said by-laws or ordinances.

§ 13. That appeals shall lie from the decisions and judgments of the police court to the Lyon quarterly court in all cases where the fine exceeds ten dollars and is less than fifty dollars, exclusive of costs; and to the Lyon circuit court where the fine is fifty dollars or upwards, exclusive of costs; and where the punishment is by imprisonment, exceeding ten days, an appeal shall lie to either the said quarterly or circuit courts. In all cases of appeals, in criminal or penal cases, the execution of the judgment shall not be suspended unless the defendant, within five days after the rendition of the judgment, causes to be executed, before the judge or clerk of the court to which the appeal is taken a covenant, with good

security, in all respects as required on appeals to such courts in criminal and penal cases by the Criminal Code of Practice of Kentucky.

§ 14. That the police court shall always be open for hearing and determining such penal and criminal cases as are within its jurisdiction, and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties, and a prompt administration of justice.

§ 15. That all fines and forfeitures arising under this charter for breaches of the by-laws and ordinances of said town shall be sued for by warrant in the name of the board of trustees of Lamasco or the Commonwealth of Kentucky, and shall be for the use of said town.

§ 16. That the police court shall have original and concurrent jurisdiction with the Lyon quarterly court in all civil cases and proceedings, and the time of holding said court for the transaction of civil business shall be fixed by the Lyon county court as is done in the cases of justices' courts.

§ 17. That the provisions of the Criminal Code of Practice shall regulate the proceedings of said court in criminal and penal cases, and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

§ 18. That the fees of said judge, whether acting as judge or clerk or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations as in courts having similar jurisdiction.

#### ARTICLE V.

##### *General Powers and Duties of the Board of Trustees.*

§ 1. That the board of trustees shall hold stated meetings, and the chairman may call meetings by notice to each of the members of the board of trustees, either oral or written; but if written, such notice must be served personally, or left at their usual place of abode. A majority of the persons elected as trustees shall constitute a quorum.

§ 2. That the board of trustees shall have the management and control of the finances and all the property, real, personal, and mixed, belonging to the corporation; and shall have power to contract and be contracted with, for, and on

behalf of said town, and shall have power to provide for the erection and repair of all needful public buildings for the town; and to provide for inclosing and improving all public grounds belonging to the town, and shall likewise have power, within the jurisdiction of said town, by by-law or ordinance—

*First.* To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards, and other games of chance, whereat anything of value is bet, won, or lost.

*Second.* To regulate the tax for the selling of any ardent spirits or other intoxicating, fermented, vinous, or malt liquors by any hotel-keeper, tavern-keeper, or innkeeper, or merchant in said town, under and by virtue of the present statutory laws of this Commonwealth: *Provided*, That in addition to the present State tax, the tax (under this act, if such traffic be tolerated in the town) upon licensed hotel, tavern, or innkeepers shall not exceed one hundred dollars for a year; and the tax upon such licensed merchant or merchants shall not exceed fifty dollars in addition to the amount now required by law.

*Third.* To prohibit the giving away of any spirits or other vinous, malt, or intoxicating liquors to any minor or apprentice without the written consent of his or her guardian, parent, master, or mistress; and said trustees shall not have power to license or authorize any saloon or coffee-house keeper to sell spirituous, vinous, or malt liquors.

*Fourth.* To license, tax, regulate, suppress, and prohibit billiard-tables, pigeon-holes, jenny lind, and all similar tables or contrivances, nine or ten-pin alleys, ball-alleys, and shooting-galleries.

*Fifth.* To license, tax, and regulate auctioneers, distillers, brewers, and pawn-brokers, and tax or lay duties on the sale of goods at auction.

*Sixth.* To license, tax, and regulate hawkers and peddlers, and all itinerant vendors of medicines or other goods, wares, or merchandise, whether at auction or otherwise; also all agents of insurance and lottery officers and agencies doing, or pretending or offering to do, business in said town, and to prevent any business of that kind being done without license.

*Seventh.* To regulate, license, suppress, and prohibit all exhibitions of common showmen, shows of every kind by itinerant and other persons or companies, exhibitions of nat-

ural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions (except by the citizens of the town and county).

*Eighth.* To authorize the chairman of the board of trustees, or other proper officer of the town, to grant and issue licenses, and direct the manner and time of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year, and not less than one dollar shall be required to be paid for any license under this act; and the fee for issuing the same shall not exceed fifty cents.

*Ninth.* To prevent and suppress any riot, rout, breach of the peace, noise, disturbance, or disorderly assemblage.

*Tenth.* To establish and regulate markets and other public buildings, and provide for their erection, and determine their location, and authorize the erection in the streets of said town or other suitable place or places within the town limits.

*Eleventh.* To regulate, license, or prohibit butchers, and to revoke their license for malconduct in the course of trade. Butchers.

*Twelfth.* To regulate the keeping and conveying gunpowder and other combustibles and dangerous materials. Gunpowder, &c.

*Thirteenth.* To prevent horse-racing, immoderate riding or driving in the town, and to authorize persons immoderately riding or driving to be stopped by any person, and to punish or prohibit the abuse of animals, and to compel persons to fasten or secure their horses, mules, oxen, or other animals attached to vehicles, or otherwise, while standing or remaining in the streets. Horse racing.  
Abuse of animals, &c.

*Fourteenth.* To prevent the encumbering of the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, sleighs, sleds, wheel-barrows, boxes, lumber, timber, firewood, brick, stone, posts, awnings, signs, or any substance or material whatever. Encumbering streets, &c.

*Fifteenth.* To prevent any obscene, indecent, or profane exhibition or conduct. Obscene exhibitions, &c.

*Sixteenth.* To restrain and punish vagrants and prostitutes.

*Seventeenth.* To restrain and regulate, or prevent, the running at large of horses and swine, and authorizing the detaining, impounding, and sale of same, for the penalty incurred and the cost of the proceedings, and also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto.

- Eighteenth.* To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to the by-laws and ordinances.
- Nineteenth.* To prevent and regulate the playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams and horses.
- Twentieth.* To make regulations to prevent the introduction or spread of contagious diseases in the town.
- Twenty-first.* To have exclusive power over the streets and alleys and sidewalks, and remove and abate any obstructions and encroachments therein or thereon.
- Twenty-second.* To abate and remove nuisances, and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof.
- Twenty-third.* To appoint watchmen and policemen, and prescribe their duties, power, and pay.
- Twenty-fourth.* To purchase lands for and locate cemeteries, either within or without the town limits. They shall have power to lay off said cemeteries into lots, and sell the same; to improve said cemeteries, and to exercise full control over the same, and enforce the proper regulation and management thereof, and punish all trespasses thereon by adequate fines and penalties.
- Twenty-fifth.* To appoint inspectors, weighers, and gaugers, and regulate their duties and fees.
- Twenty-sixth.* To provide the town with water in any manner they may deem proper, and to establish, make, and regulate public pumps, wells, and cisterns.
- Twenty-seventh.* To establish and regulate public pounds.
- Twenty-eighth.* To authorize and regulate the use of locomotive engines within the town, and to grant to any railway company the right of way through the streets of said town, and to direct and control the location of railroad tracks and depot grounds, and prohibit railroad companies from doing storage and warehouse business, or collecting pay for the same.
- Twenty-ninth.* To erect, control, and keep in repair public scales in said town when deemed necessary.
- Thirtieth.* To exclusively control, regulate, repair, grade, pave, macadamize, and amend, and clear the streets and alleys

Bridges, side and cross-walks, and open, widen, straighten, extend, and vacate streets and alleys.

*Thirty-first.* To establish hospitals and pest-houses, and make regulations for the government thereof, and discontinue the same at pleasure. Hospitals, &c.

*Thirty-second.* To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease. Health, &c.

*Thirty-third.* To prohibit any work or business being done or performed on the Sabbath day, and to punish any person found at or engaged in any work or business on that day, except it be the ordinary household offices of daily necessity, or other work of necessity or charity: *Provided*, That persons who are members of any religious society who observe as a Sabbath any other day in the week than Sunday or the Christian Sabbath, shall not be punished if they observe as a Sabbath one day in each seven. Prohibit work on Sabbath.

*Thirty-four.* That the board of trustees shall have power to make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations not contrary to the Constitution of this Commonwealth, for the good government and order of the town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the board of trustees, or any officer of said town, by this act, and enforce observance of all rules, ordinances, by-laws, and police and other regulations made in pursuance of this act by penalties not exceeding one hundred dollars for any offense against the same. May enact by-laws.

*Thirty-fifth.* The board of trustees may also enforce rules, ordinances, by laws, and police and other regulations as aforesaid by punishment of fine and imprisonment or both, in the county jail, in the discretion of the court before which conviction may be had: *Provided*, Such fine shall not exceed one hundred dollars exclusive of cost, nor the imprisonment exceed fifty days. Imprisonment not to exceed fifty days.

*Thirty-sixth.* The said board of trustees may provide for the use of said town a fire engine, organize a fire company, and make necessary regulations for the prevention of damage by fire. Fire engine.

*Thirty-seventh.* That the board of trustees of Lamasco shall have exclusive power to grant all licenses for which provision is made by this act; and the amount to be paid for any license Exclusive power to grant licenses.

for which provision is made by this act shall be fixed by the said board of trustees.

#### ARTICLE VI.

##### *Taxation.*

May levy and  
collect taxes.

§ 1. That the board of trustees of Lamasco shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes not exceeding twenty-five cents on each one hundred dollars' worth of all the real estate in said town, including the improvements on such real estate, and upon all personal estate in said town, and a tax per capita upon every male inhabitant of said town, over twenty-one years of age, of not exceeding two dollars, and a tax not exceeding two dollars on each dog that any person may keep, or suffer or permit to be kept, on his or her premises.

§ 2. There shall be exempt from taxation under this act, or for the purposes of said town, all public property belonging to said town, the county of Lyon, the State of Kentucky, the United States, any church, college, public school, public seminary of learning, all grounds attached to any such college, church, school, or seminary, all parsonages and grounds dedicated solely to such uses, and any cemetery belonging to said town.

#### ARTICLE VII.

##### *Working on Streets.*

'Working 'streets  
—how regulated.

§ 1. That the board of trustees of Lamasco shall have power to require (and it is hereby made the duty of) every able-bodied male inhabitant of said town, over sixteen and under fifty years of age, except ministers of the gospel, to faithfully labor three days in each year upon the streets of said town, under the supervision of the street commissioner, to be appointed by the said board of trustees; and to furnish such tools as the board of trustees may require; but every person may, at his option, instead of laboring, pay into the town treasury, at the rate of one dollar per day for each day he may be so required to labor: *Provided*, Such payment be made before the first of the three days the person may be notified to labor. In default of payment as aforesaid, the sum of — dollars and costs of proceeding may be recovered against each person in default, by the said board of trustees by action before said police judge; any and all persons who may be so required to labor shall be exempt from



working on any and all other roads in Lyon county outside the boundary of said town as designated by this act. That all money levied or collected by virtue or in pursuance of this act, including all fines, forfeitures, and penalties imposed and collected under this act, or the State laws or the by-laws of the said town, and all taxes and assessments, and all money collected for licenses, shall be for the use of said town, and paid into the treasury thereof.

## ARTICLE VIII.

*Opening Streets.*

§ 1. That the board of trustees of Lamasco shall have power to lay out public squares or grounds, streets, alleys, and highways, and to alter, extend, widen, contract, straighten, open, or continue the same; and such board of trustees shall cause all streets, alleys, and highways, public grounds, or squares laid out by them to be surveyed and described, and a description thereof to be recorded in a book to be kept for that purpose by the clerk of said town, showing particularly the proposed improvements, and the real estate required to be taken; and such streets, alleys, and highways shall, when opened, be public highways.

§ 2. That whenever the public convenience may, in the opinion of the board of trustees, require any street or alley, lane or highway, to be opened, laid out, extended, changed, straightened, or altered, or any public square or ground to be opened or laid out, they may obtain or purchase from the owners thereof such real estate as may be necessary therefor, and obtain from such owners a conveyance of said real estate, which conveyance shall be recorded in the office of the clerk of the Lyon county court.

§ 3. That in all such cases where the board of trustees cannot or do not obtain or purchase such real estate, and receive conveyance therefor, they shall have power to cause to be filed in the Lyon county court a petition, in which the board of trustees of Lamasco shall be made plaintiff, and all the owners of such real estate, and the guardian of infant owners, shall be made defendants; but such petition need not be sworn to. Such petition shall describe the street, alley, lane, highway, public ground, or square that is sought to be laid out, altered, extended, widened, or straightened, the character

of the proposed improvement, where situated, and the names (if known) of the owners of the real estate required to be taken, and which, if any of said owners, are non-residents, and which, if any, infants, and who are the guardians of such infants, if such there be; and all such owners, and the guardians of such infants, if residents of this State, shall be summoned actually, as required by the Civil Code of Practice in ordinary actions; and if non-residents, shall be warned as required by said Code, and guardians *ad litem* shall be appointed to defend for such infants who shall answer; and an attorney shall be appointed for any non-resident defendants or defendant in the way and manner required by the said Code of Practice, and his duties shall be as therein prescribed; and after all the defendants shall have been so actually or constructively brought before the court, and the answers of the guardian *ad litem*, and the report of the attorney for the non-resident defendants shall have been filed, a writ of *ad quod damnum* shall be awarded by the court, directed to the sheriff of Lyon county, to be executed and returned as required by law for writs of that nature for opening roads in this State. On the return of the writ duly executed, the court shall order the damages assessed to be paid by the said board of trustees, out of the funds in the treasury of said town, to the party or parties entitled thereto, and shall order the street, alley, highway, or public square or ground to be laid out and opened upon the payment of said damages; it shall be public property, and under the control of the board of trustees of Lamasco: *Provided*, That any time before such order shall be made to lay out or open any such public square or ground, street, alley or highway, the said board of trustees may abandon the proceedings, being responsible for costs; and in such event the public square, ground, street, alley, or highway shall not be opened or laid out.

#### ARTICLE IX.

##### *Grading, Paving, and Improving Streets and Alleys.*

§ 1. That the board of trustees shall have power to grade, pave, improve, protect, and ornament any public square or ground now or hereafter laid out.

§ 2. That the owners in front of or upon whose premises the board of trustees shall order and direct curbing and sidewalks to be constructed, repaired, or relaid, shall make, re-

pair, or relay such curbing or sidewalks at their own costs and expense, and in the manner, with the material, and in the time, prescribed by said board of trustees by ordinance or otherwise; and if not done in the manner, with the material, and within the time so prescribed, the board of trustees may cause the same to be constructed, repaired, or relaid, and assess the expenses therefor, by an order to be entered in the record of their proceedings, upon such lots, respectively, and collect same by warrant and sale of the premises as in the case of taxes. A suit may also be maintained by the board of trustees of Lamasco against such owner or owners for the expenses of such improvements.

§ 3. That all the provisions of the preceding section shall apply with equal force to all persons whose duty it is to remove or abate any nuisance, and to all property chargeable with the expense of abating or removing any nuisance where the board of trustees have incurred expense in abating or removing same; that no person shall be required to make a sidewalk in front of his or her premises until after the street in front of such shall have been curbed for the sidewalks thereof, at the cost and expense of the town, and of suitable material for the sidewalks so ordered to be made.

#### ARTICLE X.

##### *Borrowing Money.*

§ 1. That for the purpose of creating a fund for making such improvements as may seem necessary, the board of trustees of said town are hereby authorized to issue bonds of said town, payable to bearer, and not more than twenty years after date, and bearing interest at a rate not greater than six per cent. per annum, payable semi-annually, principal and interest to be made payable at such place as the board of trustees shall by ordinance designate, and which shall be named in the face of the bonds, and same may be of any denomination, not less than fifty dollars and not greater than two hundred dollars, and shall have coupons for interest attached. The bonds shall be signed by the chairman of the board of trustees and countersigned by the clerk, and shall have the corporate seal of the town attached, and the coupons shall be signed by the clerk alone; which bonds so issued may be sold, pledged, or disposed of by the board of trustees, as to them may seem best for the purpose aforesaid,

and for the interest of said town; and for the payment of same, principal and interest, all the revenues of said town shall be pledged: *Provided*, That not more than fifty thousand dollars of such bonds shall be issued in any one year, and the amount of same outstanding shall not at any time exceed fifty thousand dollars: *Provided, further*, That before any bonds shall be issued under this act, the question whether same shall be issued shall, by order of the board of trustees, be submitted to the qualified voters of said town at some regular election, or at such other time as the board of trustees may fix; and the board of trustees shall cause notices of such submission, and of the time thereof and places, to be posted at four public places in said town for at least twenty days before the time of such submission; and the election to determine whether such bonds shall be issued, shall be held by the same officers, appointed in the same manner, between the same hours, and in all respects conducted in the same manner, as elections for town officers are provided by this act to be held; and the officers holding such election shall, at the close of the polls, make out and sign, at the foot of poll-book used, a full certificate of the time such election was held, and the correct state of the polls when closed; and said poll-book shall be disposed of and preserved as is required in other elections in said town; and at the first meeting of the board of trustees after such election, the aforesaid certificate of officers of same shall be spread in full on their records; and no bonds shall be issued under this act unless a majority of all the qualified voters of said town shall have cast their votes in favor of such issual: *And provided further*, That not more than twenty-five dollars of said bonds shall, at any time, be issued until the question of their issual shall have again been submitted to the qualified voters of said town, in all respects as above provided, and a majority of all the qualified voters of said town shall have again cast their votes in favor of such issual.

§ 2. That the board of trustees shall, out of the revenues of said town hereinbefore provided to be levied and collected, pay said bonds and coupons as they respectively fall due; and for that purpose may, out of said revenues, create, and set apart a sinking fund, but before so doing shall appoint three resident tax-payers of said town a board of sinking fund commissioners, who shall be sworn as other officers of

said town, and hold their offices during the pleasure of the board of trustees; and said commissioners shall, before acting or entering on the discharge of their duties, execute to the Commonwealth of Kentucky, for the use of said town, such bond for the faithful discharge of their duties, with such securities as the board of trustees shall accept and approve, and said commissioners shall take charge of the sinking fund and keep same securely and profitably invested, until required for payments as aforesaid, and shall control same under advice and direction of the board of trustees.

#### ARTICLE XI.

##### *Collections of Taxes and Assessments.*

§ 1. That the board of trustees shall have power, by ordinance, to prescribe the form of assessment-rolls, and prescribe the duties and define the powers of assessors; and to make such rules, and give such directions in relation to attending, revising, or adding to the rolls as they may deem proper and expedient.

§ 2. That the usual assessment-rolls shall be returned by the assessor on or before the first day of June in each year; but the time may be extended by order of the board of trustees. On the return thereof, the board of trustees shall fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing, and any person feeling aggrieved by the assessment of his property, may appear at the time specified, and make his objections. The board of trustees shall have power to supply omissions in said assessment-rolls; and for the purpose of equalizing the same, to alter, add to, take from, or otherwise correct and revise the same.

§ 3. That when the assessment-roll shall have been corrected and revised, the same shall be filed, and an order confirming the same shall be entered by the clerk. The board of trustees shall thereupon, by an ordinance or resolution, levy such sum or sums of money as they deem proper, not exceeding the amounts authorized by this act, and by warrant direct the collector to collect the same.

§ 4. That all taxes and assessments, general or special, levied or assessed by the board of trustees under this act, shall be a lien upon the real and personal estate upon which the same may be imposed, voted, or assessed until such tax

shall be paid, and no sale or transfer of real estate shall affect the lien thereon, and no property shall be exempt from sale for the payment of such taxes or assessments, except such as is by this act exempted from taxation. Any personal property belonging to the debtor may be taken for the payment of taxes, and sold by the collector after ten days' public notice of such sale, posted up at four public places in said town.

§ 5. That the town clerk shall issue a warrant or warrants for the collection of taxes, and every warrant issued for the collection of general or special taxes and assessment shall be signed by the chairman of the board of trustees and the clerk, and shall contain a true and perfect copy of the corrected assessment roll upon which the same may be issued. All such warrants shall be delivered to the collector of the town for collection, within twenty days after the filing of the corrected rolls, unless further time be given by the board of trustees. If not otherwise paid, the board of trustees of Lamasco shall have power to collect said taxes and costs by suit, in the name of the board of trustees of Lamasco, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same. The assessor's roll shall in all cases be evidence on the part of the board of trustees of Lamasco; and notice published by the collector, by sticking up written or printed notices at four public places in said town for ten days, shall be deemed a demand, and a neglect to pay for twenty days thereafter shall be deemed a refusal to pay such tax or assessments.

§ 6. That the collector shall pay all taxes and assessments, as fast as collected, into the town treasury; and his powers, duties, liabilities, in case of a default or misconduct, shall be prescribed by the board of trustees by ordinance.

§ 7. That in case of the non-payment of taxes, assessments levied or assessed under this act, upon real estate, so much of the premises as may be sufficient to pay the same, may be sold to the highest bidder, at public auction, for cash in hand, at any time within two years from the confirmation of the assessment by the board of trustees. Before any such sale, an order shall be made by the board of trustees, which shall be entered at large upon the records kept by the clerk, directing the collector to sell, particularly describing the delinquent premises to be sold, and the tax or assessment for which the sale shall be made, a certified copy of which order,

signed by the chairman of the board of trustees and the clerk, shall be delivered to the collector, which, together with the warrant, shall constitute the process upon which such sale shall be made.

§ 8. That the collector shall then advertise such premises for sale, by posting written or printed notices at four public places in said town for ten days, describing the said premises, and giving the name of the owner, when known, and the several amounts of taxes or assessments thereon, and the time and place of sale.

§ 9. The collector shall be allowed such fees for selling as the board of trustees shall prescribe; the clerk shall keep a record of such sales, which shall be open to public inspection at all reasonable times.

§ 10. That the right of redemption, in all cases of sales of real estate for taxes or assessments, shall exist to the owner or his heirs for the period of two years from the day of sale, on payment of twenty per cent. on the amount for which the same was sold, and all taxes accruing subsequent to the sale. If the real estate of any infant or *feme covert* or lunatic be sold under this act as aforesaid, the same may be redeemed at any time within two years after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the town clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed, the board of trustees shall, upon the return of the certificate of sale, or proof of its loss, direct the collector or his successor to execute a deed to the purchaser, conveying to such purchaser the premises so sold and unredeemed as aforesaid. The collector may charge a fee of one dollar for every deed so made, and an amount sufficient to pay other necessary costs of such deed, to be taxed as other costs.

§ 11. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or any grounds or chattels, the same shall be struck off to said board of trustees for the benefit of the town; and thereupon the board of trustees shall receive from the officer making the sale a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales, and for the benefit of the town; and the collector shall execute to

the purchaser a certificate of sale for all real estate sold for tax.

§ 12. Any deed or duly authenticated copy of the record thereof, made for real estate sold for taxes or assessments, shall be *prima facie* evidence of the power and authority to sell the same; that all proceedings in reference to such sale and levying the taxes or assessments for which the same was sold, were regular.

## ARTICLE XII.

### *Miscellaneous Provisions.*

§ 1. That the board of trustees shall have the corporate boundary of said town carefully surveyed from the beginning point, and said boundary correctly platted and laid off; and the same, duly approved and indorsed by the board of trustees, shall be filed for record with the clerk of the Lyon county court, and the original preserved in his office.

§ 2. That the board of trustees shall, at least ten days before the annual assessment of taxes as hereinbefore provided, on the first day of June in each year, cause to be posted in two public places in said town a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the source whence the former were derived, and their mode of disbursement, together with such other information as may be necessary to a full understanding of the financial concerns and conditions of the town.

§ 3. Every ordinance, by-law, or regulation imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions shall, after the passage thereof, be published one week by posting up written or printed copies, or a synopsis thereof, at four public places in said town.

§ 4. That the members of the board of trustees shall be exempt from paying poll-tax and labor on streets.

§ 5. That it shall be the duty of the board of trustees at all times to keep the streets, alleys, lanes, and highways in said town in good order and condition; and for every failure so to do, they shall, upon indictment and conviction in the Lyon circuit court, forfeit and pay not less than five nor more than twenty-five dollars, and such fine shall be paid by the members of the board of trustees out of their individual estates, share and share alike.



§ 6. That all property, real, personal, or mixed, belonging to the town of Lamasco, or the board of trustees of Lamasco, is hereby vested in the board of trustees of Lamasco as created or provided for by this act.

§ 7. That merchants and business men in said town may, during the day-time, and only during the day-time, shall have the privilege of occupying the sidewalk fronting their business houses for the purpose of receiving or expressing their goods for sale.

§ 8. That the Lyon county court shall not grant a license to any person to sell spirituous, vinous, or malt liquor until the person applying for such license shall produce to said county court a certificate from said board of trustees that the town tax required by this act has been paid by such applicant.

§ 9. That all acts or parts of acts inconsistent herewith are hereby repealed, and this act may at any time be altered, modified, or repealed by the General Assembly of Kentucky.

§ 10. This act shall take effect from and after its passage.

Approved April 1, 1882.

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#### CHAPTER 710.

AN ACT to amend the laws relating to common schools and academy of the city of Newport, Campbell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the board of councilmen of the city of Newport, Campbell county, shall levy and collect, for the years from 1883 to 1893, inclusive, an annual tax of five cents on the one hundred dollars' (\$100) valuation of all the taxable property in the said city of Newport, which shall be in addition to, and levied and collected in the same manner as by law the said board of councilmen is now authorized to levy and collect the tax of two dollars (\$2) on the one hundred dollars' (\$100) valuation; and the said board shall, annually as collected, pay said tax of five cents on the one hundred dollars' valuation as aforesaid over to the board of education of the said city of Newport, in addition to all taxes now by law authorized and directed to be paid to them (the said board of education).

§ 2. That the said board of education shall use said tax for the sole and only purpose of building new and improving old school-houses in the said city, and furnishing and re-furnishing same; and said board of education for that purpose may anticipate said tax by issuing bonds dated January 1st, 1886. Said bonds shall not exceed in amount twenty thousand dollars (\$20,000), and in denominations five hundred dollars (\$500) each, and shall be payable in eight (8) years after date; they shall bear interest at a rate not to exceed five (5) per cent. per annum, payable semi-annually, represented by coupons attached to the bonds. Said bonds shall be numbered consecutively, and shall be signed by the president of the board of education, and countersigned by the clerk of said board, and bear the seal of said board, except the interest coupons of said bonds, which shall be signed by the clerk only. Said bonds and interest shall be payable at the office of the treasurer of said board of education. All the property of the common schools and academy of the city of Newport, and vested in the said board of education by law, including the tax provided for by this act, shall be pledged to secure the payment of the principal and interest of said bonds, which bonds shall be exempt from taxation for municipal purposes. After the issuing of said bonds, the board of education shall, out of the tax provided for in section one of this act, first pay the interest on the same, and with the surplus, provide a sinking fund for the payment of the same at maturity, and shall use said surplus for no other purpose whatever.

§ 3. Said tax shall not be levied, nor said bonds issued, unless a majority of those citizens voting at the next general election held in said city of Newport under its charter shall vote in favor of the same. It is hereby made the duty of the clerks of said election to ask each and every voter whether or not he be in favor of levying said tax, and issuing said bonds; and they shall record and return the said votes as by law they are required to return the votes for officers of said city, to be elected at said election. For a failure to comply with this section, said clerks shall be fined twenty-five dollars, upon conviction thereof, before any justice of the peace in said city, and the said fine shall be paid over to the treasurer of the board of education for school purposes.

§ 4. *Provided*, That the said tax shall not be levied, nor

bonds issued as authorized by this act, unless the board of councilmen of the city of Newport shall concur therein.

§ 5. This act shall take effect from and after its passage.

Approved April 1, 1882.

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#### CHAPTER 711.

AN ACT legalizing certain acts, proceedings, and orders of the Daviess county court of claims..

WHEREAS, By an act, entitled "An act to prescribe the pay of justices of the peace in Woodford and other counties," approved April 22d, 1880," the compensation of justices of the peace in Woodford and other counties of this Commonwealth, while serving as members of the county court in their respective counties, was fixed at a sum not exceeding three dollars per day, to be paid out of the revenue of their respective counties; and whereas, an amendment was sent to the Clerk's desk, including the county of Daviess among said counties, but from some unknown cause the name of Daviess county does not appear in said act; and whereas, the Daviess county court of claims did, since the passage of said act, allow justices of the peace in Daviess county an amount not exceeding three dollars per day to each member while attending said courts; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That all acts, proceedings, or orders of the Daviess county court of claims held in the years 1880 and 1881, allowing the compensation of three dollars (\$3) per day to members in attendance on said courts, be, and the same are hereby, legalized so far as applies to their acts in fixing said compensation of three dollars per diem.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1882.

## CHAPTER 712.

AN ACT to repeal an act, entitled "An act for the benefit of the Springfield, Willisburg, Antioch and Fox Creek Turnpike Road Company, of Washington county."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act for the benefit of the Springfield, Willisburg, Antioch and Fox Creek Turnpike Road Company, of Washington county," approved April 26th, 1880, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1882.

## CHAPTER 713.

AN ACT to establish a graded road from Manchester, Clay county, to the most convenient point on the Lebanon Branch of the Louisville and Nashville Railroad, in Laurel county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Commissioners. § 1. That John Crech, B. F. Johnson, and John B. Faris, of Laurel county, and D. B. House, Wm. J. Caddill, and Ed. W. Anderson, of Clay county, be, and are hereby, appointed commissioners, who shall, or such of them as may act, view out and locate a way for a graded road from Manchester, Clay county, to the most convenient point on the Lebanon Branch of the Louisville and Nashville Railroad, in Laurel county.

Oath. § 2. That said commissioner, before acting, shall take an oath, as receivers of roads are now required by law to do, and shall locate said road on the nearest practical route, without reference to private interest, and with a sole view to the public good.

Surveyor. They shall have authority to employ a competent surveyor, and have said road surveyed and graded and marked distinctly, and a diagram to be returned with their reports, which shall be returned to their respective county courts, at their June terms, 1882, or as soon thereafter as may be practical.

§ 3. That said court shall immediately proceed to establish and open said road within the limits of their respective counties; take such steps and proceedings as are required by law for the establishing and opening county roads.

§ 4. The commissioners shall be allowed one dollar per day for their services, to be allowed and paid by their respective county courts. That employes for surveying and grading said road shall be paid a reasonable fee for their service, to be paid pro rata by the two county courts of Laurel and Clay counties.

Compensation of commissioners.

§ 5. This act shall take effect from and after its passage.

Approved April 1, 1882.

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CHAPTER 714.

AN ACT for the benefit of J. H. Dennis.

WHEREAS, It is represented to this General Assembly that in the settlement between J. H. Dennis and the State for work done by said Dennis below Cedar Lock bar, on Kentucky river, in 1870, a mistake was made to the prejudice of said Dennis; and whereas, it is also represented that the vouchers on file in the office of the Auditor of Public Accounts show said error to have been made; therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts investigate said settlement made with said Dennis, and examine the vouchers touching said settlement, and upon such such investigation, if it appear that a mistake was made, he shall report the character and amount thereof to the next General Assembly.

§ 2. This act shall take effect from its passage.

Approved April 1, 1882.

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CHAPTER 715.

AN ACT to repeal an act, entitled "An act prohibiting the sale of spirituous, vinous, or malt liquors, or the mixtures thereof, within the town of Hadinsville, in Todd county, or within a radius of two miles of said town," approved April 1, 1880.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act prohibiting the sale of spirituous, vinous, or malt liquors, or the mixtures thereof, within the town of Hadinsville, in Todd county, or within a

radius of two miles of said town," approved April 1, 1880, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved April 1, 1882.

#### CHAPTER 716.

AN ACT to authorize the sale of the insolvent and delinquent county taxes of Clay, Jackson, and Owsley.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the county judges of the counties of Clay, Jackson, and Owsley, and their successors in office, shall have power and authority to have the list of insolvent and delinquent county taxes, returned as such by the respective sheriffs of said county or counties, sold to the highest bidder, in the mode and manner prescribed by the laws of this Commonwealth for the sale of personal property under execution.

§ 2. This act shall embrace the insolvent and delinquent county taxes from 1873, and include all future time.

§ 3. This act shall take effect from and after its passage.

Approved April 1, 1882.

#### CHAPTER 717.

AN ACT to incorporate the Paris and Jacksonville Turnpike Road Company, in Bourbon county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That a body-politic and corporate is hereby created, under the name of the Paris and Jacksonville Turnpike Road Company, for the purpose of constructing a turnpike road on the McAdam's plan from a corner to Lee C. Smith and the Lyne heirs, on the Jacksonville and Townsend Turnpike Road; thence with the line between the lands of said Smith and Lyne heirs to the lands of James Berry; thence on or about the line between the lands of said Smith and Berry to the lands of Mrs. Batterton; thence across the lands of said Batterton to the Paris and Silas dirt road; thence with said dirt road to the turn in said road at the corner of William

Hume's land with Gass in Meran's line; thence across the lands of Mrs. Elizabeth Hedges, said Gass, and the land now occupied by Lewis Dedman, to the Paris and Georgetown Turnpike, a distance of about four and one half miles, either in the route stated or some other convenient or practicable route between the same termini in Bourbon county; and as such shall have power to sue and be sued, to contract and be contracted with, acquire, hold, and possess such estate, real and personal, as may be necessary to accomplish the object of its creation.

§ 2. That John C. May, A. B. Batterton, and William Boston, or any two of them, as commissioners, may receive subscriptions to the capital stock of said company, which shall be a sum sufficient to construct said road, and divided into shares of fifty dollars each. The exact amount of capital stock may be determined by said commissioners, or a majority of them, by a majority vote: *Provided, however,* That it shall not exceed ten thousand dollars. When said commissioners agree in the amount of said capital stock, they shall enter it of record in a book, in which shall be recorded the official acts of said commissioners and the board of directors of said road company. At every meeting of the stockholders each stockholder may cast, in person or by proxy in writing, one vote for each share of stock held by him. Commissioners.

§ 3. As soon as may be after the passage of this act, said commissioners shall open books for the subscription of stock to said road at the house of John C. May, in Bourbon county, Kentucky; and as soon as they may think sufficient stock has been subscribed, they shall call a meeting of the stockholders to be held at the house of said May, or at such other place in Bourbon county as they may agree upon, for the purpose of electing a president and four directors to manage and control the affairs of said company. Notices of the time and place of said meeting and election shall be given by advertisement in two preceding issues of one of the weekly newspapers published in Paris, Kentucky, and by written or printed notices posted at least ten days prior thereto in the town of Jacksonville. Said president and directors shall hold office for one year, and until their successors are elected; shall provide for the election of their successors, appoint a treasurer, secretary and other officers, and remove them at pleasure; may take proper bonds for the faithful discharge of their duties from Officers.

all or any of them, and prescribe what their duties shall be, and may make all necessary by-laws consistent with the laws of this State. No one shall be eligible to the office of president or director who is not a stockholder.

§ 4. Said road company may locate its road over any public highway, or deviate therefrom, and may acquire the right of way, ground for toll-houses and quarries, by writ of *ad quod damnum*.

§ 5. The Bourbon county court of claims, a majority of the justices thereof being present and concurring therein, may County subscription. subscribe one thousand dollars' worth of stock to each mile of said turnpike road; and for the purpose of paying same, said court of claims may make a levy upon the taxable property in said county.

§ 6. Said road company shall have the same right and power to erect toll-houses and charge tolls as now provided by the charter of the Paris and Georgetown Turnpike Road, subject, however, to the provisions of the General Statutes of Kentucky; the act and amendatory acts incorporating which turnpike road company, not inconsistent with the provisions of this act, are hereby made and declared to be parts hereof, and to apply to and govern the corporation hereby created.

§ 7. This act shall be in force and take effect from and after its passage.

Approved April 1, 1882.

#### CHAPTER 719.

AN ACT to incorporate the Grassy Spring and Clifton Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John E. Hawkins, W. W. Darnell, James H. Gaines, John Frazier, and James McClelland Johnson, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name of the Grassy Spring Church and Clifton Turnpike Company, and by said name and style shall have power to contract and be contracted with, sue and be sued, plead and be impleaded,



in all courts and places within the Commonwealth of Kentucky.

§ 2. The said company is hereby authorized and empowered to construct a turnpike, macadamize or gravel road, in its discretion, from the turnpike road known as the old Versailles and Frankfort road, in Woodford county, Kentucky, near the Grassy Spring Church, and running in a south-westernly direction, crossing the McCrackin's Turnpike Road; thence on the most practicable route to Clifton between said points; and in order to raise funds necessary to construct said road by subscription of stock, to be divided in shares of twenty-five dollars each, books of subscription of stock in said road may be opened by W. W. Darnell, John E. Hawkins, and Jas. H. Gaines, or either of them for the purpose of obtaining the capital stock of said company. When one thousand dollars or more shall have been subscribed to the capital stock of said company, it shall be the duty of the said commissioners named in this section to open books for the subscription of stock to give notice for a meeting of the stockholders at such time and place as may be specified in said notice, for the purpose of electing five directors, one of whom shall be elected by said directors as president, and one as secretary, and one as treasurer. In the election of directors, one vote shall be allowed for each share of stock. The president and secretary, treasurer, and directors shall hold office for one year, or until their successors are elected and qualified; the time and place of election shall be fixed by the directors after the first election. A majority of the board shall be competent to transact the business.

§ 3. When said company is organized by the election of directors and officers as above provided, they shall be a body-politic and corporate, by the name and style above stated, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation. Shall be capable of holding their capital stock, and taking and holding lands, tenements, and personal property by purchase or gift, as may be necessary for the prosecution of its work, or the objects of this corporation.

§ 4. The president of said company may call meetings of the board of directors whenever he may think proper, and upon application of two directors. Said board of directors

shall require of the treasurer a bond for the faithful performance of its duty as treasurer of said company, including the covenant that said treasurer will account for and pay over to the proper persons all moneys that shall come into his hands as treasurer. Said board must keep a record of their proceedings, signed by the president and secretary; said board shall have power and authority to make by-laws and regulations for the government of said company, and sue for and recover in the name of said company from any delinquent stockholder the amount due and unpaid upon any share or shares of stock.

§ 5. The president and directors shall fix and regulate the elevators and grade of said road, the width, and part thereof to be covered with stone or gravel, and fix the rates of toll, and may change and alter the same at pleasure; but said rate shall not exceed the rates prescribed by chapter 110 of the General Statutes; and when one mile or more of said road shall have been completed and received by said board of directors, a toll-gate may be erected, and tolls collected under such rules and regulations as shall be prescribed by said board of directors under the general laws of the State.

§ 6. The president and directors of said company, and their agents, are hereby authorized to take the consent, in writing, of all persons who may consent to grant the right of way for said turnpike road, and the use of material for building and repairing said road. If either the right of way or material necessary for the construction of said road cannot be acquired by consent or purchase, said directors may apply to the county court of Woodford county for a writ of *ad quod damnum* to assess the damages that the owner of such land may sustain, giving the claimant the actual value of the land taken, at the same time consider the advantages resulting to the party or parties claiming damage. Said damages to be assessed by a jury of said county, who shall set the same off against damages resulting to said land-owner or claimant, and upon the payment or tender thereof, it shall be lawful for said company and its employes to make said road, and to dig and carry away any stone necessary for the construction and repair of said road. Said company may acquire, by purchase or by writ of *ad quod damnum* as above set forth, land not exceeding one acre, for the purpose of erecting a toll-house on said road.

§ 7. Certificate of stock in said company shall be signed by the president, and countersigned by the secretary; shall be deemed personal property, and shall be transferable on the book of said company in such manner as the board of directors shall prescribe.

§ 8. The capital stock of said company shall be used in the procurement of the right of way, material, and in the construction of said road and defraying all legitimate expenses in constructing said road, and for no other purpose. The stockholders in said company shall only be bound to the extent of their stock in said company.

§ 9. This act to take effect from and after its passage.

Approved April 1, 1882.

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## CHAPTER 720.

AN ACT to incorporate the Logan County Bank.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That there is hereby established a savings and deposit bank in the town of Russellville, Kentucky, with a capital of fifty thousand dollars, which may be increased by order of the directors of said bank to any sum, not exceeding two hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Logan County Bank, and shall so continue for twenty-five years from the passage of this act, and shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering, and defending, in and by the name of the Logan County Bank, in all courts and places whatever. Said bank may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of not less than three nor more than seven directors, as the by-laws may, from time to time, regulate and prescribe, who shall be stockholders, owning each in his own right at least ten shares of stock. They shall hold their offices until their successors are elected and qualified; and after the bank be-

gins business, shall be elected on the second Tuesday in January of each year: *Provided*, That should such election fail to be held upon that day, the directors shall order an election to be held within thirty days thereafter, written or printed notice of which shall be sent to each stockholder, at least seven days before the day appointed for such deferred election. Each stockholder in said bank shall be entitled to cast, either in person or by proxy, one vote for each share of stock held by him. In case of a vacancy in the board of directors, the remaining directors shall have power to appoint a qualified stockholder to fill it until the next regular election. The directors shall elect one of their number president, who shall preside at their meetings and perform such other duties as may be assigned to him by this charter and their by-laws: They shall have power to sell any of the stock remaining unsold; to declare dividends of the profits out of the business of the bank; to appoint such officers, agents, and employes as they may deem necessary to conduct the business of the bank, and to pay them for their services; to take from the president, cashier, and other employes such bonds as they may deem proper and reasonable to secure a faithful performance of their respective duties, and to make such by-laws as they may deem necessary for the proper management of the affairs of the bank: *Provided*, The same be not contrary to the laws of this State or of the United State. The stock shall be personal property, and shall be transferable only on the books of the bank by the stockholder, or his attorney, under such rules and regulations as the directors shall, from time to time, establish.

§ 3. That Jas. L. Rizer, Wilbur F. Browder, R. M. Winter-smith, Charles H. Ryan, and W. F. Barclay are hereby constituted and appointed a board of directors of said corporation, to serve as such until others are duly elected and qualified as provided herein; said directors may open books in the town of Russellville, and receive subscriptions to the capital stock of said bank; and when one half of said stock shall have been subscribed for and paid in, said corporation may begin business.

§ 4. Said bank may receive deposits of gold and silver coin, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such rate of interest, not exceeding six per

cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, and other evidences of debt, take personal and other securities for the payment of the same, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, and pass a valid title to the same.

§ 5. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

§ 6. Said bank may acquire, hold, and use all such real estate, goods, and chattels as may be necessary and convenient for the transaction of its business, or which may be in satisfaction of any debt, judgment, or decree, and sell and convey the same; and may buy its own stock in payment of a debt, judgment, or decree; but shall resell the same as soon as it is practically convenient.

§ 7. No greater dividend than ten per cent. per annum shall be paid to the stockholders until the surplus fund on hand shall equal the capital paid in.

§ 8. No loan or discount shall be made to any stockholder to pay any call or balance due on his or her stock.

§ 9. Every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed for and owned by him; but when the same shall have been paid for in full, then no further individual liability attaches to such stockholder.

§ 10. It shall be the duty of the president or cashier, on the first Monday in January in each year, to pay into the Treasury of the State fifty cents on each hundred dollars of the paid-up capital stock of said bank, which shall be in full of all tax or bonus to the State, and shall form a part of the revenue proper of this Commonwealth.

§ 11. It shall not be lawful for said bank to issue any note or bill to circulate as money.

§ 12. The president, directors, and other officers of this bank, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace or notary public of this State faithfully, honestly, and to the best of their ability, skill, and judgment to discharge all the duties.

of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation; and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated; and should any occur, without their concurrence, that they will immediately report the same to the Attorney General of the Commonwealth.

§ 13. That the president and directors of this bank be, and they are hereby, authorized and empowered to wind up the affairs of said bank, whenever a majority of the stockholders represented by stock shall determine that the community and the interest of the company do not require its continuance.

§ 14. To effect this the president and directors shall have all the powers which may be necessary and proper to wind up and liquidate the affairs of said bank upon just and equitable principles.

§ 15. Section six of this act shall not be so construed as to permit said bank to hold any real estate that it may acquire in any manner for a longer period than five years, except such as may be necessary for the transaction of its business, such as banking-house and offices.

§ 16. This act shall take effect from its passage.

Approved April 1, 1882.

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## CHAPTER 721.

AN ACT to amend and reduce into one the various acts in regard to the town of Chester, in Mason county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the town of Chester, in Mason county, Kentucky," approved January 17th, 1878, and amendments thereto, approved February 28, 1880, and April 24th, 1880, be, and the same are hereby, repealed, and the following adopted and enacted in lieu thereof, to-wit:

§ 2. That the town of Chester, in Mason county, be, and the same is hereby, incorporated and declared a body-politic, with the powers and privileges vested in said town by this act, under the name and style of the town of Chester, and by that name shall have power to sue and be sued, plead and be

impleaded, in all the courts of this Commonwealth, and the boundaries and limits thereof shall be as follows: beginning Boundary. at low-water mark on the Ohio river at a point where the eastern boundary of the city of Maysville strikes the river at low-water mark; thence with said boundary of said city up Union street to Race street; and thence along the southern side of Race street to the Mt. Carmel Turnpike Road; thence with the southern boundary of said turnpike road to the western boundary of the Maysville and Mason County Cemetery property; and thence with the same to the western boundary of C. P. Deiterich & Bro.'s nursery property; thence with the same to the property of George Collins; thence a straight line to the Ohio river; and thence along the line of low-water mark on the Ohio river to the beginning.

§ 3. The prudential, fiscal, and municipal concerns are Trustees. hereby vested in six trustees. That the present trustees, L. N. Haliday, chairman and *ex officio* mayor, C. P. Deiterich, J. F. Lee, Geo. N. Harding, Reuben B. Hunt, and N. C. Rudy, shall hold their respective offices until the first Monday in January, 1883, and until their successors are duly elected and qualified; and it shall be the duty of the present board of trustees to divide the town into three wards, each of said Wards. wards to contain, as nearly as possible, the same number of qualified voters, the dividing lines of said wards to be declared by ordinance, and to be changed at the discretion of the trustees; and at the election in January, 1883, two trustees shall be elected in each ward, who shall be residents of the ward, and shall hold their office, one for one year and one for two years, said terms to be drawn by lot at the first meeting after their election, and the result entered upon the journal of proceedings; and thereafter, at the election held in January of each year, one trustee shall be elected from each ward to fill the place of the one whose term expires, whose term of office shall be two years, or until his successor is duly elected and qualified. The regular election shall take place on the first Monday of January in each year. Said trustees shall qualify and enter upon the discharge of their duties on or before the first day of February succeeding their election; and in case of failure to qualify as above prescribed, said office shall be declared vacant, and shall be filled by appointment by the board of trustees. Said trustees shall qualify by Oath. taking the oath of office prescribed by the Constitution of

Kentucky; and any four of said trustees shall constitute a quorum.

§ 4. Should any member of the said board of trustees die, resign, or remove outside the corporate limits of said town during the term for which he is elected, the remaining members shall elect a successor to fill the vacancy occasioned by such death, resignation, or removal.

Voters.

§ 5. All qualified voters of the State of Kentucky who have resided in said town for six months preceding the election at which they offer to vote, shall be entitled to vote for said trustees.

Chairman.

§ 6. Said board of trustees shall elect one of their members chairman of said board, who shall hold his office for one year, and shall be chairman of the board of trustees and mayor of Chester.

§ 7. The board of trustees of Chester are vested with power to make and receive all necessary conveyances in relation to said town. They are hereby vested with power and control over the squares, streets, and alleys in said town, or which may be hereafter opened. They shall direct the opening, improvement, or repairing same in such manner as they may deem best.

§ 8. Said board of trustees are vested with power, first, to make all necessary ordinances for the regulation and good government of said town; second, to pass all necessary ordinances for the suppression of riots, routs, and breaches of the peace, affrays, unlawful assemblies, bawdy-houses, riotous or disorderly conduct, and drunkenness in said town, and to provide for the punishments of persons engaged in either of said offenses, and to fix the penalties; third, to fix penalties for the violation of any of the ordinances of said town in such sums as they may deem best, not, however, in any case to exceed one hundred dollars for any one offense; fourth, to declare by ordinances what are nuisances within said town, and by their order to direct same to be abated; and they may by ordinance impose fines upon persons guilty of creating or continuing nuisances in said town.

Officers.

§ 9. The said board of trustees shall have power to appoint a treasurer, clerk, assessor, marshal, and other subordinate officers for said town, whose terms of office shall be one year, and to provide by ordinance for the compensation of each, and shall require bond from the clerk, assessor, treasurer, and



marshal for the faithful discharge of their respective duties, in addition to which said officers shall take the oath of office prescribed by the Constitution of Kentucky.

ARTICLE II.

§ 1. The board of trustees of Chester have power to levy May levy tax. and collect a tax upon the property in said town, not to exceed in any one year fifty cents upon the one hundred dollars of such taxable property.

§ 2. At the regular election of trustees for the town of Chester, the question as to whether license shall be granted for keeping coffee-houses, saloons, or houses and places wherein spirituous, vinous, or malt liquors are sold or given, shall be submitted to the voters of said town; and if a majority of said voters shall vote in favor of granting such license, then the board of trustees shall be vested with power to license and tax such coffee-house, saloon, or house or place wherein spirituous, vinous, or malt liquors are sold or given: *Provided*, That the tax to keep a coffee-house, saloon, or house or place wherein spirituous, vinous, or malt liquors are sold or given, shall in no case be less than one hundred and fifty dollars nor more than three hundred dollars per annum: *And provided further*, That this section shall not apply to drug stores in which spirituous and vinous liquors are sold on prescription. If, however, a majority of said voters shall vote against granting such license, then and in that case, the board of trustees shall have no power to grant such license.

§ 3. Said board of trustees are vested with power to license License. and tax, and to provide, by ordinance, for licensing and taxing, within the limits of said town, all sporting galleries, places of public resort for sport or pleasure, and shooting galleries, all auction sales, shows and exhibitions, livery and sale stables, omnibuses, hacks, and carriages, and all other vehicles run in said town for pay or hire; and shall, by ordinance, fix the tax on such license in such sums as they may deem proper; and shall, by ordinance, enforce the taking out said license by fixing fines and penalties against all persons failing or refusing to do so: *Provided*, No license shall be granted for any games or gaming inconsistent with the laws of this Commonwealth.

§ 4. The assessor of said town shall be annually appointed Assessor. on or before the 10th day of January, and shall immediately

qualify and enter upon the discharge of his duties. He shall call upon each resident of said town for a list of his, her, or their property, and shall administer an oath to each person similar to the oath administered by the county assessor as to the truth of his, her, or their list, and shall value the property so listed. He shall make out the lists of property in said town owned by non-residents thereof, calling on their agents, if they have any; if none, then from such information as he possesses or may obtain; or if there is no agent, he may make such list from the assessor's books of the preceding year, and said property shall be valued in the same manner as the property of residents of said town; but the name of the agent, if there is one, shall be placed upon the assessor's books, as well as the name of the owner.

§ 5. The lists of property, and the valuation thereof, shall be made on or before the 9th day of April of each year, and the assessor return his list, together with a complete list of all the male inhabitants of said town over the age of twenty-one years, and the number of dogs and bitches, and likewise the number of hogs owned by each, on or before the 9th day of April of each year.

§ 6. Immediately upon the return of said lists by the assessor, the board of trustees shall carefully examine the lists as returned by the assessor, and correct the valuation of property as made by him, whether the same be valued too high or too low, and make such corrections as may be right; and any person who feels aggrieved by the valuation of his or her property as made by the assessor, may apply to the board of trustees, who shall hear and determine the matter, and grant such relief as is proper.

Tax.

§ 7. Immediately after having examined and revised the assessor's lists, the board of trustees shall apportion and levy an ad valorem tax on the property returned, and a tax on each dog, bitch, and each hog returned, to be paid by the owner: *Provided*, That the tax on each dog shall not be less than fifty cents, and on each hog such sum as the board may fix in their ordinances: *Provided further*. Should the owner or owners fail to pay said tax when demanded, the hogs shall be sold to pay said tax, and the dogs killed by the tax-collector.

§ 8. The board of trustees shall prescribe all necessary rules and regulations for obtaining annually a fair and equal

assessment of all property subject to taxation in said town, and for the collection thereof.

§ 9. The clerk of the board of trustees, as soon as the Clerk—duties. assessor's book is approved by the board, shall make out, in a book to be provided for that purpose, an alphabetical list of the tax-payers of said town, together with the amount of property owned by each, and amount of tax due from each, and place the same in the hands of the marshal or tax-collector of said town on or before the first day of May of each year.

§ 10. The marshal of Chester, or the tax-collector shall proceed immediately to collect the taxes on said book, and shall furnish to each tax-payer a receipt for the amount of taxes paid. Should any tax-payer fail or refuse to pay his, her, or their taxes on demand, the marshal or tax-collector shall tender to the delinquent a receipt for the amount due, and again demand payment; and if the tax-payer then fails or refuses to pay same, the officer shall immediately distrain for same by levying upon and selling for cash in hand any or all property of the delinquent.

§ 11. All property owned by the person against whom the taxes assessed shall be subject to distraint, and may be levied on and sold for the taxes due and costs of sale, including the costs of advertising, and six per centum on the amount due as commissions to the officer for making the levy and sale. The marshal shall first seize the personal estate of the tax-payer; if none, he shall levy on and sell the real estate of the tax-payer, or the real estate against which the assessment is made, as the case may be.

§ 12. All real estate in Chester may be sold for taxes due upon said real estate, or due to the town from persons owning same. The marshal or tax-collector shall levy upon same by indorsing the levy upon the tax-receipt, and shall sell the same at the council chamber in Chester on the first day of January of each year. Before selling, the officer shall advertise the time, terms, and place of sale, together with a description of the property to be sold, for at least fifteen days preceding the sale, by printed hand-bills posted at the council chamber, and at least four other public places in said town, and if a newspaper be published in said town, then by two insertions in said newspaper. Said sale shall be made for cash in hand, and shall be for a sum sufficient to pay the

taxes due and cost, as provided in the last section. If the lot sold is susceptible of division, the officer shall sell only so much as is necessary to pay the tax and cost, but if not susceptible of division, then the whole property shall be sold, and the excess over and above the taxes and costs shall be paid over to the delinquent owner. It is provided, however, that the owner of the property sold shall have the right, at any time within two years after the sale, to redeem said property by paying the tax due, ten per cent. interest thereon, and the costs of sale. If said property is not redeemed within said two years, then the marshal or tax-collector shall convey the property sold to the purchaser thereof.

§ 13. If there is no marshal of said town, or if the marshal fails or refuses to take the tax-book and collect the taxes, then, and in that case, the board of trustees shall appoint a collector of taxes for said town, who shall execute bond and take the oath of office, and shall be invested with all the rights, powers, and privileges of the marshal in the collection of taxes, and shall be subject to like penalties.

### ARTICLE III.

Mayor—oath.

§ 1. The mayor of Chester shall possess the same qualifications as a county judge, and shall take the oath as required by the Constitution and laws of the State of Kentucky, and he shall hold court whenever it may be necessary, and his court shall be styled the mayor's court of Chester.

§ 2. Said court shall have exclusive jurisdiction within the limits of said town of all prosecutions for a breach of the ordinances of said town, and concurrent jurisdiction with the quarterly court and courts of justices of the peace of all civil suits where the matter in controversy does not exceed one hundred dollars, exclusive of interest and costs.

Jurisdiction.

§ 3. Said mayor's court shall have concurrent jurisdiction with justices of the peace of all criminal prosecutions within the county of Mason, except as a court of inquiry, in which he shall have the same jurisdiction as the county judge.

§ 4. Said mayor shall act as clerk of said court, and shall issue all necessary precepts, writs, and summons. He shall keep a correct record of the proceedings of said court, and shall read over and sign same at each adjournment of his court, and a certified copy of same shall be evidence.

§ 5. All prosecutions in said court for a violation of the ordinances of Chester shall be upon warrant, either of arrest or summons, as the mayor may deem proper, issued in the name of the Commonwealth of Kentucky, for the benefit of the school fund of the town of Chester; and in said warrant the offense charged shall be succinctly stated; and for all fines due said town a *capias pro fine* may issue.

§ 6. Said mayor is vested with the power to issue subpoenas for witnesses to appear and testify in all matters pending in said court, and to compel their attendance by attachment and fine, and imprisonment for contempt in not obeying the summons. He shall have power to fine and imprison for contempt to the same extent that justices of the peace are permitted to fine and imprison for like offense. He shall have power to order a jury to be summoned and impaneled in all cases when by law juries are permitted in courts of justices of the peace.

§ 7. Said mayor shall receive the same fees, collectable in the same manner, as allowed by law to justices of the peace for similar services. Compensation.

§ 8. Appeals may be taken from judgments of said court in the same manner and on the same terms that appeals are allowed from judgments of justices of the peace. Appeals.

#### ARTICLE IV.

§ 1. The board of trustees shall appoint a marshal for said town; the said marshal, after the first Monday in January, 1883, to hold his office for the term of two years, and until his successor is elected and qualified.

§ 2. Said marshal shall possess the same qualifications as sheriffs, except his bonds shall be taken and approved by the board of trustees, and kept as a part of their records. Marshal.

§ 3. Said marshal shall execute all process from the mayor's court of Chester, and collect all executions from said court. He shall collect all taxes due said town, and pay the same over to the treasurer. He shall collect all fines and forfeitures due said town, and pay same over to the treasurer. He shall annually, on or before the first day of January, pay over to the treasurer all taxes due said town, and on or before that day make settlement of his accounts as marshal with the clerk of the board, and obtain a quietus for all taxes placed in his hands for collection, and for all moneys collected by

him, or which ought to have been collected by him, on account of fines and forfeitures, which settlements shall be examined and approved by the board of trustees.

§ 4. The marshal of Chester is vested with the same powers as are conferred by law upon sheriffs in the collection of taxes and the execution of process, and shall receive the same compensation, payable and collectable in the same manner, and be liable to like penalties: *Provided*, He may collect one dollar for serving each warrant of arrest or summons for a violation of the ordinances of Chester, to be taxed as costs; and each defendant arrested or summoned shall be considered a separate warrant. He shall receive in addition thereto such salary for policing said town as the board of trustees may by ordinance fix.

Deputy marshal

§ 5. Said marshal may, by and with the consent of the board of trustees, appoint a deputy marshal for said town, who shall take the oath of office, and is invested with all the powers and authority of the marshal, and shall give such bond as may be required by ordinance.

§ 6. Said marshal shall have power to summon to his aid as many citizens of the town of Chester as may be necessary for the enforcement of any ordinance adopted by the board of trustees of said town; and any citizen thus summoned and failing to obey shall be liable to such fine as the board of trustees may by ordinance fix.

§ 7. The board of trustees may, from time to time, appoint policemen for the town of Chester, not exceeding six at any one time; may remove any or all of them at pleasure, and appoint others in their stead. Said policemen shall take the oath required by law of constables, and are invested with all the powers of sheriffs or constables in suppressing riots, arresting law-breakers, or to preserve the peace in said town. They are authorized to execute all criminal process issued by the mayor of Chester. The board of trustees shall provide by ordinance for the payment of said policemen when on duty.

Vacancy.

§ 8. Should a vacancy occur in the office of marshal, or any other subordinate office of the town, the board of trustees shall appoint some suitable person to fill the office during the remainder of the term.

ARTICLE V.

§ 1. The treasurer elected by the board of trustees, as provided in this act, shall be the custodian of the funds of said town, which he will pay out on the orders of the board of trustees as provided by the ordinance; and shall render an annual statement of the amounts received by him, together with proper vouchers for all disbursements, and will render such other statements as the board may require, from time to time, and turn over all funds and property of the town in his hands to his successor. Treasurer.

§ 2. The clerk of the board shall keep a correct record of all the proceedings of the board of trustees in well-bound books, to be provided for that purpose, at the cost of the town, and shall be the custodian of the records and papers of said board. Clerk.

ARTICLE VI.

§ 1. Whenever the board of trustees deem it necessary and proper, they may, by a majority vote, remove the marshal or any other ministerial officer.

§ 2. They shall have the power to prescribe means for the collection of delinquent taxes which have accrued under the old charter.

§ 3. The board of trustees of Chester have power to erect and operate a work-house in or near said town, and for that purpose may purchase or lease the necessary ground, and erect suitable buildings thereon, for the safe-keeping of prisoners incarcerated for a violation of the ordinances of said town. The board of trustees shall appoint a keeper and necessary watchmen for said work-house, and provide for their pay.

§ 4. All persons convicted of a violation of the ordinances of Chester, and adjudged to pay a fine, in default of payment shall be confined in the station-house, and kept at hard labor, at such work as the board of trustees may prescribe; also by working them on said streets in Chester, with ball and chain attached, by the regulations governing said station-house, and until said fine and costs are paid, at the rate of one day's imprisonment for each dollar of fine; and it shall be lawful for the board of trustees in the regulation for said station-house to prescribe what task shall constitute or represent a day's work.

§ 5. They shall have power to purchase or acquire, by gift or lease, any lot or piece of land for the necessary use of said town; and may build a grade or wharf for the landing of boats or other water craft, and establish, charge, and collect a reasonable rate of wharfage for the use of said grade or wharf.

#### SCHEDULE.

§ 1. And the by-laws and ordinances now in force in said town shall continue in force under this charter until repealed, or others adopted in their stead by the board of trustees; and all the liabilities of said town incurred under the original charter or its amendments shall devolve upon the present corporation.

§ 2 All laws or parts of laws in conflict with this act are hereby repealed.

§ 3. This act to take effect and be in force from and after its passage.

Approved April 1, 1882.

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#### CHAPTER 722.

AN ACT to define and locate the termini of the Paris and Winchester Turnpike Road.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the western terminus of the Paris and Winchester Turnpike Road be, and the same is hereby, established and located at the intersection of the Kentucky Central Railroad with Winchester Turnpike or Winchester street, in Paris, Kentucky.

§ 2. That the eastern terminus of said pike be, and the same is hereby, established and located at the point where said pike intersects the Red River Turnpike Road at or near Winchester, Kentucky.

§ 3. Over all of said intervening distance of pike the Paris and Winchester shall exercise its authority, rights, privileges, and franchises, and over no more.

Approved April 1, 1882.



CHAPTER 723.

AN ACT to provide for the perfecting of the records of the Franklin police court.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the judge and ex-judge of the Franklin police court shall have the power and authority to sign any and all judgments heretofore rendered by them respectively in civil causes, where said judgments have been rendered and entered, but, by mistake, unsigned. And when they are hereafter signed by the judge or ex-judge rendering them, they shall become valid and binding and *fi. fas.* may issue thereon: *Provided*, That limitations shall begin to run and be calculated from the date of the rendition of such judgments as if properly signed at the time.

§ 2. This act shall take effect from its passage.

Approved April 1, 1882.

CHAPTER 724.

AN ACT to amend an act chartering the Cassidy Creek Turnpike Road Company, in Nicholas and Bath counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the charter of the Cassidy Creek Turnpike Road Company be amended as follows: The name of said turnpike road company is changed to the Park's Ferry and Bethel Turnpike Road Company, and Thomas Arnett and J. W. Arnett and Joseph Moffett are added to the list of incorporators.

§ 2. That said Park's Ferry and Bethel Turnpike Road Company, with the incorporators mentioned in the original act and this amendment, are empowered and authorized to construct a turnpike road on the McAdam's plan from Park's Ferry, in Nicholas county, to Bethel, in Bath county, under the provisions and restrictions of the original act approved January 26th, 1869.

§ 3. This act shall take effect from and after its passage.

Approved April 1, 1882.

## CHAPTER 725.

AN ACT to amend the charter of the Turnersville, McKinney's Station and Coffee Mill Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the charter of the Turnersville, McKinney's Station and Coffee Mill Turnpike Road Company be so amended as to authorize said company to charge and collect the same rates of toll as are now allowed by them to be charged and collected by the Stanford and Hustonville Turnpike Road Company, and to charge and collect toll at its gate west of McKinney's at the same rate as if the distance traveled were five miles.

§ 2. That this act shall be in force from and after its passage, and shall continue in force for five years.

Approved April 1, 1882.

## CHAPTER 726.

AN ACT for the benefit of the Jonesville and Glencoe Turnpike Road Company, in Owen county.

WHEREAS, The Jonesville and Glencoe Turnpike Road, in Owen county, is now about, and will soon be, completed and ready for travel; and whereas, said road is intersected by the Poplar Grove and Glencoe Turnpike Road just one thousand six hundred and twenty yards from the bridge across Eagle creek, at the boundary line between Owen and Gallatin counties; and whereas, said Jonesville and Glencoe Turnpike Road Company has erected a toll-gate at the junction of said two turnpikes; now, therefore,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That the said Jonesville and Glencoe Turnpike Road Company be, and it is hereby, authorized and empowered, and it is hereby made lawful for it to collect tolls at said gate on said distance of one thousand six hundred and twenty yards as though the said gate was actually a full mile from said bridge, and that the distance from said bridge to said gate on said turnpike shall be completed, and tolls collected thereon

for said distance of one thousand six hundred and twenty yards, the same as if it was a full mile of road.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1882.

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CHAPTER 727.

AN ACT to authorize the Owsley county court to levy a poll and ad valorem tax to build turnpike or gravel roads.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Owsley county court, a majority of the justices of the peace for said county being present and voting therefor, is hereby authorized to levy a poll-tax, not exceeding two dollars, upon each male citizen of the county over twenty-one years of age, and an ad valorem tax, not exceeding twenty-five cents, upon each one hundred dollars of taxable property in said county in any one year, for the purpose of building turnpike or gravel roads in said county, or any other county not objecting, for the purpose of getting to a railroad. May levy tax.

§ 2. That said taxes shall be collected by the sheriff of said county for the same commission, and under the same responsibilities upon his hand, as other county taxes are now collected.

§ 3. That said court shall make said levy at a regular or called term of said court, and shall be authorized and empowered, a majority of the justices of the peace being present, to make all necessary orders for the collection and disbursement of the taxes raised under the provisions of this act for the purposes herein named.

§ 4. This act shall take effect from its passage.

Approved April 1, 1882.

## CHAPTER 728.

AN ACT to re-enact and amend an act, entitled "An act to authorize the people of Henry county to vote a tax for the purpose of aiding companies in the building of turnpike roads in said county," approved March 9, 1869, and the acts amendatory thereto.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to authorize the people of Henry county to vote a tax for the purpose of aiding companies in the building of turnpike roads in said county," approved March 9, 1869, with all the amendments thereto, be, and the same is hereby, re-enacted, except as hereafter amended, so as the provisions of the same will apply to and govern district No. 1, which district is described and created in the first section of the act aforesaid. This act is to remain in force in said district No. 1 for three years.

§ 2. Elections in said district, under the provisions of this act and the acts to which it is an amendment, shall be held on the first Monday in August, 1882, in Henry county, and the county judge of Henry county shall make an order directing the same to be held at least thirty (30) days prior to the said election; but no commissioner shall be voted for at said election in said district, but it shall be the duty of the county judge of Henry to appoint one commissioner for said district, should it by vote adopt the laws authorizing the imposition of a tax for turnpike purposes. The commissioner so appointed shall be allowed a per diem of two dollars for each day employed in the actual discharge of duty as commissioner.

§ 3. The county surveyor of Henry county shall discharge the duties of surveyor in and for said district, and shall be allowed three dollars per day for services actually rendered, and he shall be governed in his duties by the act and amendments thereto to which this is an amendment.

§ 4. If by the votes of said district, at said election to be held therein, it adopt the provisions of the said act, and the amendments thereto to which this is an amendment, then the county court of Henry county, at its court of levy and claims to be held in 1882, shall levy a tax upon property in said district for turnpike purposes, and provide for its collection.

§ 5. The sheriff of Henry county shall settle his accounts as collector of said turnpike tax for said district at the following times, viz: At the same time as is now provided in the act to which this is an amendment, and the acts amendatory thereof, so far as they apply to district No. 1, and upon said day annually thereafter.

§ 6. This act shall take effect from its passage.

Approved April 1, 1882.

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#### CHAPTER 730.

AN ACT to amend the charter of the town of Fulton, in Fulton county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to charter the town of Fulton, Fulton county," approved February 8th, 1872, and all acts amendatory thereto, be amended as follows, to-wit: That whenever any person shall be fined for any offense committed within the corporate limits of said town before the police judge or any justice of the peace of the district in which said town is located, and the person so fined shall fail or refuse to pay said fine, and in consequence thereof is sent to the lock-up of said town, it shall be lawful to compel such persons to work upon the streets or public grounds of said town at the rate of one dollar per day until the amount of the fine is extinguished; but this shall not exempt the property of the party so fined from the payment of the same.

§ 2. That the board of trustees of said town shall have power to abate and remove nuisances at the cost and expense of the owners or occupants upon whose premises they exist, and shall define and declare by ordinance what shall be a nuisance within the limits of said town, and shall punish by fine any person for keeping, causing, erecting, committing, or permitting a nuisance in said town.

§ 3. That the trustees may levy and collect a tax on insurance and express companies doing business in said town, not to exceed twenty-five dollars per annum.

§ 4. That the trustees of said town may hereafter levy and collect an ad valorem tax on all real and personal property within the corporate limits of said town. Said tax shall be uniform, and shall not exceed fifty cents on the one hundred

dollars' worth of property, and they may levy and collect a per capita tax not exceeding two dollars on every male person over twenty-one years of age who is residing in said town when the levy is made ; said levy to be made in the month of May in each year; and all persons who pay an ad valorem tax on property in said town, and are not residents of the same, and who desire to vote at the elections in said town, may become qualified voters at said elections by paying the per capita tax before mentioned.

§ 5. That the trustees may compel, by ordinance, engineers and conductors of railroad trains who run their trains through said town to ring their locomotive bells at all times when their trains are in motion, and may fix a penalty for a violation of such ordinances not to exceed ten dollars for each violation, to be recovered before the police judge of said town as other fines are.

§ 6. That the owners, receivers, or managers of railroads, who operate or run their roads through the said town of Fulton, be required to make the street crossings on their roads the full width of the streets, and keep them in good repair and open their full width at all times, except when their trains are being made up, or cars are in motion. For a failure to comply with the provisions of this section, the owners, receivers, or managers of the road so failing will subject themselves to a fine not exceeding one hundred dollars, to be recovered before the police judge of said town, and service of process upon the agent or any officer of said road or company shall be sufficient notice to the same.

§ 7. That the trustees may levy and collect an annual tax on all dogs owned or kept within the limits of said town ; and may direct the marshal of said town to kill all dogs running at large that said tax has not been paid on ; and said tax shall not exceed one dollar on each dog.

§ 8. That the salary of the town marshal of said town shall not exceed three hundred dollars per annum.

§ 9. That the police judge of said town of Fulton shall hold his courts for the trial of civil business the first Saturday in the months of March, June, September, and December in each year ; and that he shall have in the trial of civil business the same jurisdiction as a justice of the peace in Fulton county, and the same rule of proceedings and practice shall apply as in justices' courts.

§ 10. That the board of trustees shall have power to regulate and control markets of the town; and may, by ordinance, fix a penalty for offering meats by retail on the streets of said town, without first obtaining a license to so sell.

§ 11. The marshal of said town shall attend all meetings of the board of trustees or police courts of said town, and preserve and enforce order under their and his direction.

§ 12. The trustees may erect a lock-up in said town, in which the marshal shall, when ordered so to do by the police judge, confine persons in the same for violations of any of the town ordinances of said town: *Provided*, That no person shall be confined in said lock-up for a longer time than twelve hours, without first having a trial for the offense committed before the police judge of said town.

§ 13. That the board of trustees shall have power to grant license for the sale of malt liquors within the corporate limits of said town, and shall charge for the same any sum not less than seventy-five dollars nor more than one hundred and fifty dollars per annum; and it shall be unlawful for any person to sell malt liquors within the corporate limits of said town, or within one mile thereof, without first having obtained said license; and for a violation of the provisions of this section, shall be fined in a sum of sixty dollars for each offense.

§ 14. That it shall be unlawful for any person having license for the sale of malt liquors in said town to have, keep, or use, upon the premises where such malt liquors are sold, any spirituous or vinous liquors, or any mixtures thereof, or suffer any one else to have, keep, or use any spirituous, vinous liquors, or mixtures thereof, or upon premises adjacent thereto under his control; and for a violation of the provisions of this section shall, upon conviction thereof in any court of competent jurisdiction, be fined in the sum of sixty dollars, and for a second conviction, shall be debarred from selling malt liquors thereafter.

§ 15. That the trustees of the town of Fulton shall have power to levy and collect a tax of not less than twenty dollars nor more than thirty dollars upon all merchants or druggists selling spirituous or vinous liquors within the corporate limits of said town, said tax to be levied and collected annually in the month of May in each year; and for a failure or refusal to pay said tax, shall be fined in any sum not less than

twenty dollars nor more than sixty dollars, to be recovered before the police judge of said town.

§ 16. The trustees of said town shall not have power to grant license to coffee-house, tavern, or tippling license, to sell spirituous or vinous liquors within the corporate limits of said town.

§ 17. That the corporate limits of the town of Fulton be as follows: beginning at a stake on the State line road, one hundred and ten feet east of Norman street; thence north ninety-six poles to a stake west of the Chesapeake, Ohio and Southwestern Railroad; thence south with said road sixteen poles; thence north twenty-eight poles to a stake on Buck Thomas' land; thence west (176) one hundred and seventy-six poles to a stake in W. T. Carr's field; thence south, passing over said Carr's yard fence, one hundred and fifteen poles to a stake on the south side of the State line road of Kentucky and Tennessee; thence with said State line road one hundred and eighty-nine poles and ten links to the beginning. All of these lines run at a variations of six degrees to the left.

§ 18. All acts in conflict with this act are hereby repealed.

§ 19. This act to take effect and be in force from and after its passage.

Approved April 1, 1882.

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## CHAPTER 731.

AN ACT to amend the charter of the city of Louisville.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the sinking fund of the city of Louisville be, and is hereby, charged with the payment of the floating debt of said city existing on the first day of January, 1882; and for the purpose of paying the same, the proceeds of the taxes assessed and levied by the city of Louisville prior to the year 1882, except the taxes levied for the benefit of the public schools and house of refuge, as the same may hereafter be collected, shall be paid into the sinking fund, and shall be held and applied to the payment of the present bonded debt of said city.

§ 2. This act shall take effect from its passage.

Approved April 1, 1882.



## CHAPTER 732.

AN ACT to incorporate the Louisville Union Depot Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John D. Taggart, H. G. Phillips, James G. Caldwell, Jos. W. Nickols, L. M. Flournoy, Samuel Russell, Geo. Deering, and J. L. Chilton, and their associates, successors, and assigns, be, and they are hereby, created and made a body-corporate and politic, by and under the name and style of the Louisville Union Depot Company; and by that name may contract and be contracted with, sue and be sued; and may have and use a common seal, and alter or renew the same at pleasure; and shall have perpetual succession. Incorporators.

§ 2. That the capital stock of said Union Depot Company shall be one million dollars, with the privilege to increase it to two million dollars, in shares of one hundred dollars each, which may be subscribed by any individual or corporation; and this corporation shall have power to subscribe for stock in any railroad company or bridge company. Capital stock.

§ 3. That the incorporators herein named, or any three of them, may open, or cause to be opened, books for the purpose of receiving subscriptions to the capital stock of this corporation, after having given such notice of the time and place of opening the same as they may deem proper. Powers.

§ 4. That when twenty-five thousand dollars shall have been subscribed, said incorporators may call a meeting of the subscribers, notifying each subscriber of the time and place of meeting, and proceed to organize said corporation by electing from the subscribers a board of directors of not less than five nor more than nine in number, who shall elect one of their number president. The president and directors shall have power to adopt such by-laws for the government of the company, its officers, agents, and employes, in the general conduct and management of the affairs and business of the company as may be by them deemed necessary. Said by-laws shall also provide for an annual election of the board of directors of the number above mentioned, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding elections of directors. Provision shall also be made in the by-laws for annual meetings of the stockholders, and such call meetings as are necessary.

Vacancies.

§ 5 That the board of directors may fill any vacancy occurring in their number, and shall choose from their number a president, and may appoint a vice president, a secretary and treasurer, who shall respectively hold their offices for the term of one year, and until their successors shall be elected and qualified.

Quorum.

§ 6. That it shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business. At the election of directors and all other meetings of stockholders of said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy.

General office.

§ 7. That the president and directors shall have the management and control of the property, business, and affairs of the company, and may appoint all such officers, agents, and employes as may be necessary, prescribe their duties and compensation, and take from any of them bond with surety for the faithful performance of their duties. The general office of said company shall be located in the city of Louisville, Kentucky.

§ 8. That it shall be lawful for the president and directors of said company to open stock-books for subscription to the capital stock of said company at such times and places as they may select, and continue them open for such length of time as they may deem necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred, and registered in such manner and at such places as may be ordered and provided by the board of directors of said company.

§ 9. That the said Union Depot Company shall be, and it is hereby, authorized and empowered to locate, construct, build, and complete a union depot, in the city of Louisville, Kentucky, with such tracks and lines of telegraph as the business of the company may require, and may build, construct, and complete tracks to the city limits and not more than five miles beyond, for the purpose of meeting and bringing in the trains of any railroad company now constructed, or which may be constructed. But said company, in building said tracks for the purpose last mentioned, shall construct the same along such streets within the limits of said city, as may be agreed upon between said company and the city of Louisville.

§ 10. That for the purpose of its business, said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing, acquiring title to, holding, selling, and conveying and transferring, all real, personal, and mixed property which may be necessary to the carrying out of the objects of this act. And the said company, by its authorized agents, may agree with the owners of any land or improvements which may be wanted for the purposes of said company, for the purchase in fee-simple, or the use of the same, and if they can not agree, or if the owners or any of them labor under such legal disability as prevents them from contracting, or if they be out of Jefferson county, application may be made by the company or its agents to the Jefferson county court, whose duty it shall be to appoint three commissioners, all of whom shall be residents of said county, who shall be sworn to discharge their duties under this act justly and impartially to the best of their skill and judgment. It shall be the duty of said commissioners to view the property desired for the purposes of said company, and fix the amount of compensation to which the owner or owners may be entitled, and make out and return to the office of the county clerk of said county a report, in writing, particularly describing the land and improvements valued. The clerk shall receive such report and file the same, indorsing thereon the time of its being filed, and if the owner resides in the State, he shall forthwith issue a summons commanding the owner or owners of such property to appear and show cause, if any they have, against the confirmation of said report, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court and stand for trial at any term of said court, commencing at any time not less than ten days after service of summons, if served in the county, and twenty days if served elsewhere in the State. If the owner be a non-resident of the State, the court shall, at the first term after the report is filed, make a warning order and appoint an attorney to defend for such owner. The report in such cases shall stand for trial at the first term of the court, commencing not earlier than sixty days after the date of such order. Either party may file exceptions to the report at any time not later than three days before the day upon which the report shall be assigned for trial. And upon the filing of such exceptions,

the court shall order a jury to be empaneled for the day upon which the report is set, to try the question of compensation, unless for good cause shown time is given for preparation. If either party should be dissatisfied with the finding of the jury, the party so aggrieved may appeal to the Jefferson court of common pleas, upon which appeal the original papers shall be transferred from the county court to said Jefferson court of common pleas, and the appeal shall be then docketed and tried as other cases. And if either party shall be dissatisfied with the verdict and judgment of the last mentioned court, an appeal shall lie to the Court of Appeals, whenever the amount in controversy shall exceed one hundred dollars, which appeal shall be taken and prosecuted as now provided by law. If no exceptions be filed, the report shall be confirmed. Said corporation shall not be delayed in progressing with its work by the proceedings required in this section, but may enter upon and take possession of said land needed for its use at any time after it has been viewed by the commissioners and after payment or tender made of the value as estimated by the commissioners in their report.

May issue bonds.

§ 11. That said Union Depot Company, in order to raise means for the erection, construction, equipment, and operation of said union depot, with its tracks, &c., may issue and sell the bonds of said company of the denomination of one thousand dollars each, to be signed by the president, and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding one million of dollars, bearing not exceeding six per cent. per annum interest, payable semi-annually, with coupons attached, upon which the signature of the secretary shall be engraved; and when so engraven, shall have the same obligatory force as if by him signed, to be made payable as said company may direct, not exceeding thirty years from their date of issue.

§ 12. That to secure the payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust, conveying all the property of said Union Depot Company to a trustee or trustees, and from time to time fill vacancies that may occur in the office of trustee for the use, and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

§ 13. That said company may make contracts, which shall be signed by the president, and attested by the secretary, with any corporation, company, individual or individuals, for constructing, erecting, and equipping said depot, with its tracks, &c, and for the doing of any work which may be necessary to fully carry out the powers and franchises hereby conferred; and may pay for the same wholly or partially in the stock, bonds, or other property of said company, in such manner and upon such conditions as may be agreed upon and deemed for the best interest of the company.

§ 14. That said corporation may contract in the manner provided in the last preceding section with any person or persons, corporation or corporations, for the use and occupation of said union depot and its tracks, &c., or any part thereof.

§ 15. That this act shall take effect and be in force from its passage.

Approved April 1, 1882.

#### CHAPTER 733.

AN ACT to amend an act, entitled "An act to incorporate the Bardstown and Chaplinton Turnpike Road Company"

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Bardstown and Chaplinton Turnpike Road Company," approved January 26th, 1858, be, and the same is hereby, amended as follows:

§ 2. That John H. Beam, Otho D. Magruder, and J. W. Wilkinson are hereby added to the commissioners named in said act, who, or any one of whom, is authorized to open books for the subscription of stock to said company.

§ 3. When the sum of two thousand dollars is subscribed to the capital stock of said company, said commissioners, or any one of them, shall give notice of a meeting of the stockholders, at such time and place as the notice may specify, for the election of officers as called for in the original act.

§ 4. Whenever two miles of said road are completed, the president and directors are authorized to erect a toll-gate, appoint a gate-keeper, and collect tolls on said road, to be applied to the completion of the road, or keeping same in

order. The president and directors may erect said toll-gates at such points on their road as they may deem proper, regardless of the distance between the gates; but their rates of toll shall be fixed at the rate as if the gates were five miles apart.

§ 5. Section eleven of said act is amended, and made to read as follows: The county court of Nelson county is hereby vested with power, a majority of the justices present concurring therein, to subscribe a sum, not exceeding five hundred dollars per mile, to the capital stock of said road, to be regarded as other stock. The presiding judge of the Nelson county court shall, whenever requested so to do, convene the justices of Nelson county to consider this matter.

§ 6. Said turnpike road shall start from a point on the Bardstown and Bloomfield Turnpike Road, to be selected by the president and directors, and may terminate at a point on the Bloomfield and Chaplin Turnpike Road, to be selected as above.

§ 7. This act shall take effect from its passage.

Approved April 1, 1882.

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#### CHAPTER 734.

AN ACT to empower the Gallatin county court to acquire stock in turnpike roads in said county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That it shall be lawful for the Gallatin county court to acquire, by purchase or otherwise, the stock of any or all turnpike roads in said county: *Provided*, The concurrence of a majority of the justices of the peace shall be necessary to authorize said purchase or purchases.

§ 2. When any purchase of stock has been authorized, as provided in this act, the county court are authorized to issue bonds in the manner provided in an act, approved March 10, 1880, entitled "An act to empower the Gallatin county court to take stock in turnpike roads in said county," for the payment of said stock.

§ 3 This act shall take effect from its passage.

Approved April 1, 1882.

## CHAPTER 735.

AN ACT to amend an act, entitled "An act to repeal the charter and re-incorporate the town of Elizabethtown," approved February 26th, 1868.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act to repeal the charter and re-incorporate the town of Elizabethtown," approved February 26th, 1868, be, and the same is hereby, amended as follows, viz. The police judge and marshal of said town shall be elected by the qualified voters thereof in the manner and at the place prescribed by law on the first Monday in May, 1882, and biennially thereafter on the first Monday in May, and shall hold their respective offices until their successors are elected and qualified. When either of said officers desires to resign, his resignation shall be tendered to the board of trustees of said town.

§ 2. All the legal voters residing within the boundary of said town, as established by the charter of 1868, shall have the right to vote at said elections.

§ 3. Section thirty six of the act hereby amended is hereby re-enacted.

§ 4. All laws in conflict herewith are hereby repealed.

§ 5. This act shall be in force from and after its passage.

Approved April 1, 1882

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CHAPTER 736.

AN ACT to amend the charter of the town of Paintsville, Johnson county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That section thirty-one of said act be amended by adding thereto the following: The said marshal shall have power to execute any summons, order of court, or other process from any court in civil cases, the same that sheriffs have.

§ 2. That chapter 107 of the General Statutes, entitled "Towns," is hereby made a part of the charter of said town of Paintsville, so far as there is no conflict between the two, and when there is a conflict, the part shall prevail which gives to the said town or its trustees the greater privileges: *Provided*, That article 2 of chapter 107, concerning the number and election of trustees, shall prevail: *Provided further*,

That this amendment shall in no way be construed to interfere with or curtail the powers and authority of the police court of said town.

§ 3. This act shall be in force from its passage.

Approved April 1, 1882.

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#### CHAPTER 737.

AN ACT to prevent stock from running at large in the Berryville precinct, in Harrison county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That it shall be unlawful for any person or persons, within the limits of district number —, known as the Berryville precinct, in the county of Harrison, to permit their stock of any description to run at large off their own premises, or the premises of which they may be in possession. Any person or persons so offending shall be liable to any person or persons damaged by such stock; and for the first offense shall pay for all damages committed; for the second offense shall pay double the amount of damage committed, and for the third or any subsequent offense shall pay four times the amount of damage committed; and the party injured shall have a lien upon such stock for all such damages, and all costs of enforcing the same, recoverable before any justice of the peace, or other court of competent jurisdiction, in Harrison county: *Provided*, That the person or persons so injured shall notify the owner or owners or person having charge of said stock of their having trespassed upon him or them. When the parties are thus notified, they may offer to pay, according to the provisions of this act, for the damage committed, which, if the person or persons injured refuse to accept, and bring suit and fail to recover more than the amount tendered, he shall pay all costs.

§ 2. This act shall take effect from its passage.

Approved April 1, 1882.



## CHAPTER 738.

AN ACT to amend an act, entitled "An act to incorporate the Walnut Hill Turnpike Road Company," approved February 1st, 1867.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That an act, entitled "An act to incorporate the Walnut Hill Turnpike Road Company," approved February 1st, 1867, be, and the same is hereby, amended as follows, to-wit: The annual meeting of the stockholders of said company for the election of officers and transaction of other business shall be held on the second Monday in April of each year; and if, for any reason, it cannot be held upon said day, then upon a day as soon thereafter as convenient, to be fixed by the directors. The secretary shall give notice of such annual meeting by a publication in some newspaper published in the city of Lexington at least ten days before the time of meeting.

Election.

Notice.

§ 2. That the words "Revised Statutes," in the seventh (7th) section of said act, are stricken out, and the words "General Law" inserted in lieu thereof.

§ 3. This act shall take effect from and after its passage.

Approved April 1, 1882.

## CHAPTER 739.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Brooksville, in Bracken county," approved March 13, 1872.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky :*

§ 1. That section two of an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Brooksville, in Bracken county," be so amended as to read as follows, to-wit: That the fiscal, prudential, and municipal concerns of said town shall be vested in four trustees, who shall be elected on the first Saturday in April in each year by the legally qualified voters who have resided therein for sixty days previous to said election; which said trustees shall hold their office for the term of one year, and until their successors shall be elected and qualified. That said trustees, before

Trustees.

Election.

they enter upon the duties of their office, shall take an oath before some person authorized by law to administer oaths, that they will, without favor or affection to any one, discharge the duties of trustees to said town during their continuance in office. That in case a vacancy shall occur in said board of trustees, the board or a majority of those then being trustees, shall have power to fill said vacancy. That no person shall be a trustee who is not a legally qualified voter under this charter in said town, and who has not resided therein for sixty days next preceding his election or appointment.

§ 2. That section nine of said act be so amended as to read as follows, to-wit: The first election for police judge and marshal of said town shall be held on the first Saturday in April, 1872, and thereafter on the first Saturday in April every two years; and whoever receives the largest number of votes cast at said election for either of said offices shall be declared duly elected: *Provided*, That no one shall be allowed to vote at any election for any of the officers of said town who is not qualified as required by section one of this act.

§ 3. That the board of councilmen of said town may have the power to grant, in their discretion, a license, to any person or persons applying for the same, to sell and vend spirituous, vinous, and malt liquors within the corporate limits of said town: *Provided, however*, That they shall not grant such license except upon a written petition requesting it of a majority of the qualified voters of said town.

§ 4. That section seventeenth of said act is hereby repealed.

§ 5. That this act shall take effect from and after its passage.

Approved April 1, 1882.

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